issues that have been identified during panel and staff reviews that require clarification. Sometimes issues are stated as "conditions." These are issues that have been identified as so critical that the award cannot be made unless those conditions are met. Questions may also be raised about the proposed budget. Generally, these issues are raised because there is inadequate justification or explanation of a particular budget item, or because the budget item seem unimportant to the successful completion of the project. If you are asked to make changes that you feel could seriously affect the project's success, you may provide reasons for not making the changes or provide alternative suggestions. Similarly, if proposed budget reductions will, in your opinion, seriously affect the project activities, you may explain why and provide additional justification for the proposed expenses. An award cannot be made until all negotiation issues have been resolved.

Q. Where can copies of the **Federal Register**, EDGAR regulations, and Federal statutes be obtained?

A. Copies of these materials can usually be found at your local library. If not, they can be obtained from the Government Printing Office by writing to: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Telephone: (202) 783-3238. When requesting copies of regulations or statutes, it is helpful to use the specific name, public law number, or part number. The materials referenced in this notice should be referred to as follows:

(1) Omnibus Trade and Competitiveness Act of 1988, Public Law 100-418, title VI, subtitle B, chapter 2.

(2) Education Department General Administrative Regulations, 34 CFR parts 74, 75, 77, 79, 80, 81, and 85.

[FR Doc. 90-5752 Filed 3-13-90; 8:45 am]

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federal register

Wednesday
March 14, 1990

Part VI

Department of Education

Jacob K. Javits Gifted and Talented Students Education Program; Notice Inviting Applications for New Awards for Fiscal Year 1990

DEPARTMENT OF EDUCATION

[CFDA No. 84.206A]

Jacob K. Javits Gifted and Talented Students Education Program Notice Inviting Applications for New Awards for Fiscal Year (FY) 1990

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), the notice contains information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program: Provides financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to encourage research, demonstration projects, personnel training, and similar activities designed to help build a nationwide capability in elementary and secondary schools to identify and meet the special educational needs of gifted and talented students.

Deadline for Transmittal of Application: 4/30/90.

Deadline for Intergovernmental Review: 6/29/90.

Available Funds: $1.0 million.

Estimated Range of Awards: $165,000–$225,000.

Estimated Average Size of Awards: $200,000.

Estimated Number of Awards: 5.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Budget Period: 12 months.

Applicable Regulations

The following regulations apply to the Gifted and Talented Program:

The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), part 75 (Direct Grant Programs), part 77 (Definitions that apply to Department Regulations), part 79 (Intergovernmental Review of Department of Education Programs and Activities), part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), part 81 (General Education Provisions Act—Enforcement), and part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

Description of the Program

The Gifted and Talented Program is authorized by the Jacob K. Javits Gifted and Talented Students Education Act of 1988, Title IV, part B of the Elementary and Secondary Education Act of 1965, as amended.

Definitions

The following definitions apply to the terms used this notice:

(a) *Gifted and talented students* means children and youths who—

(1) Give evidence of high performance capability in such areas as intellectual, creative, artistic, or leadership capacity or in specific academic fields; and

(2) Require services or activities not ordinarily provided by the school in order to develop such capabilities fully.

(b) *Hawaiian native* means any individual any of whose ancestors were natives prior to 1778 of the area that now comprises the State of Hawaii.

(c) *Hawaiian native organization* means any organization recognized by the Governor of the State of Hawaii primarily serving and representing Hawaiian natives.

(d) *Institution of higher education* has the same meaning given such term in section 435(b) of the Higher Education Act of 1965, as amended.

Eligible Parties

The following are eligible to apply under this program.

(a) State educational agencies.

(b) Local educational agencies.

(c) Institutions of higher education.

(d) Other public agencies ad private agencies and organizations (including Indian tribes and organizations as defined by the Indian Self-Determination and Education Assistance Act and Hawaiian native organizations).

Uses of Funds

(a) Projects assisted under this program may include—

(1) Preservice and inservice training (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students;

(2) Establishment and operation of model projects and exemplary programs for the identification and education of gifted and talented students, including summer programs and cooperative programs involving business, industry, and education;

(3) Strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation and improvement of programs for the identification and education of gifted and talented students; and

(4) Programs of technical assistance and information dissemination.

(b) Grantees must use funds received under this program to supplement and make more effective the expenditure of State and local funds, and of Federal funds made available under chapter 2 of title I and title II of the Elementary and Secondary Education Act of 1965 for the education of gifted and talented students.

Participation of Private School Students

Applicants must make provision for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in preservice and inservice training programs supported under the Act.

Priorities

Absolute Priorities

The Secretary gives an absolute preference to applications that meet one or both of the following priorities:

(a) Applications that propose to identify gifted and talented students who may not be identified through traditional assessment methods (including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with handicaps) and provide education programs designed to include gifted and talented students from such groups; or

(b) Applications that propose programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification and education of gifted and talented students.

Under 34 CFR 75.105(c)(3), the Secretary funds under this competition only applications that meet one or both of these absolute priorities.

Service Priority

In approving applications under this program, the Secretary ensures that at least one half of the applications approved contain a component designed to serve gifted and talented students who are economically disadvantaged individuals.

Invitational Priorities

The Secretary is particularly interested in applications that meet one of more of the following invitational priorities:

(a) Inservice and preservice training that enables classroom teachers to provide individualized instruction to gifted and talented children;

(b) Inservice and preservice training, including fellowships, that enhance teacher ability and school capacity to instruct gifted and talented children in particular disciplines;

(c) Projects that serve gifted and talented children through schools of choice, including magnet school programs;

(d) Projects that seek to discover and cultivate the potential of highly able students within the regular classroom;

(e) Model projects that are based on relevant research and literature for identifying and instructing the gifted and talented student populations that will be served;

(f) Model projects that use multiple criteria for selecting highly able students for admission into a gifted and talented program, rather than a single measure such as a standardized test;

(g) Projects that encourage highly able students who are not being identified through traditional assessment methods to develop and display their skills and talents over an extended period in order to increase their prospects for admission into a gifted program;

(h) Training for parents of gifted and talented students in nurturing their children's gifts and talents.

However, under 34 CFR 75.105(c)(1) an application that meets one or more of these invitational priorities does not receive competitive or absolute preference over other applications.

Selection Criteria

(a) (1) The Secretary uses the following selection criteria to evaluate applications for new grants under the Gifted and Talented Program.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria*—(1) *Meeting the purposes of the authorizing statute.* (30 points) The Secretary reviews each application to determine how well the project will meet the purpose of the Jacob K. Javits Gifted and Talented Students Education Act of 1988, including consideration of—

(i) The objectives of the project; and

(ii) How the objectives of the project further the purposes of the authorizing statute.

Note to Applicants: A statement of the purposes of the authorizing statute is found in the Purpose of Program section of this notice.

(2) *Extent of need for the project.* (20 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in the statute that authorizes the program, including consideration of—

(i) The needs addressed by the project;

(ii) How the applicant identified those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(3) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purposes of the program;

(iv) The quality of the applicant plan to use its resources and personnel to achieve each objective;

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition; and

(vi) For grants under a program that requires the applicant to provide an opportunity for participation of students enrolled in private schools, the quality of the applicant's plan to provide that opportunity.

(4) *Quality of key personnel.* (7 points)

(i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time each person referred to in paragraph (b)(4)(i) (A) and (B) will commit to the project; and

(D) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(ii) To determine personnel qualifications under paragraphs (b)(4)(i) (A) and (B), the Secretary considers—

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(5) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(6) *Evaluation plan.* (15 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(**Cross-references:** See 34 CFR 75.590 Evaluation by the grantee.)

(7) *Adequacy of resources.* (3 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on September 15, 1989, pages 38342–38343.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA#84.206A, U.S. Department of Education, Room 4161, 400 Maryland Avenue SW., Washington, DC 20202-0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please note that this address is not the same address as the one to which the applicant submits its completed application. Do not send application to the above address.

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA#84.206A), Washington, DC 20202-4725.

or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA#84.206A), Room #3633, Regional Office Building #3, 7th and D Streets SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a Stated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 732-2495.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and letter, if any—of the competition under which the application is being submitted.

Do not transmit the application to the secretary's office. The application control center is the official receipt point for grant applications.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4-88)) and instructions.

Part II: Budget Information—Non-Construction Programs (Standard Form 424A) and instructions.

Part III: Application Narrative.

Additional Materials:

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certification regarding Debarment, Suspension, and Other Responsibility Matters: Primary Covered Transactions (ED Form GCS-008) and instructions.

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form GCS-009) and instructions.

(Note: ED Form GCS-009 is intended for the use of grantees and should not be transmitted to the Department)

Certification Regarding Drug-Free Workplace Requirements: Grantees Other Than Individuals (ED 80-0004).

Certification Regarding Lobbying for Grants and Cooperative Agreements (ED 80-0008).

(Note: This form is required if requesting, making, or entering into a grant or cooperative agreement for more than $100,000)

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL-A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

For Further Information Contact: L. Ann Benjamin, U.S. Department of Education, Office of Educational Research and Improvement, 555 New Jersey Avenue NW., Washington, DC 20208-5643; Phone: (202) 357-6187.

Program Authority: 20 U.S.C. 3061-3068.

Dated: March 8, 1990.

Christopher T. Cross,

Assistant Secretary, Office of Educational Research and Improvement.

BILLING CODE 4000-01-M

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:

Application	Preapplication
☐ Construction	☐ Construction
☒ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address (give city, county, state, and zip code):

Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

1 - _ _ _ _ _ _ _ _ - _ _

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

9. NAME OF FEDERAL AGENCY:

U.S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 - 2 0 5 A

TITLE: Jacob K. Javits Gifted and Talented Students Education Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant

b. Project

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 REV 4-88
Prescribed by OMB Circular A-102
OEAI

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INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:

23. Remarks

SF 424A (4-88) Page 2
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INSTRUCTIONS FOR THE SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A,B,C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A,B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1-4, Columns (c) through (g.) (continued)

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i — Show the totals of Lines 6a to 6h in each column.

Line 6j – Show the amount of indirect cost.

Line 6k – Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

BILLING CODE 4000-01-C

Instructions for Part III—Application Narrative

Before preparing the application narrative, an applicant should read carefully the description of the program, the information regarding priorities, and the selection criteria the Secretary uses to evaluate applications.

The Narrative should encompass each function or activity for which funds are being requested and should:

1. Begin with an abstract, that is, a summary of the proposed project;

2. Describe the proposed project in light of each of the selection criteria in the order in which these criteria are listed in this notice;

3. Describe how the proposed project will meet one or both of the absolute priorities and any of the invitational priorities listed in this notice;

4. Clearly identify any component of the project that will serve gifted and talented students who are economically disadvantaged.

5. According to EDGAR, 34 CFR 75.591, grantees are required to cooperate in any Federal evaluation of their projects. Recipients of funds under the Jacob K. Javits Gifted and Talented Students Education Program shall collect the following data for evaluation, and applicants shall describe in their grant application their plan for collecting this data:

Demographic information on participants, including number of participants, grade levels served, racial/ethic composition, socio-economic composition, and evidence of special needs;

A description of services provided to participants; and

Measures which demonstrate the progress made in achieving the project's stated goals and objectives, such as increased enrollment of students in gifted and talented programs, academic achievement and improvements in teacher's skills and attitudes.

This data will be used in evaluating project effectiveness and in evaluating continuation applications.

6. Include any other pertinent information that might assist the Secretary in reviewing the application, including the scope and degree of service and when it will be delivered. The application should enable reviewers to make clear linkage between the proposed project and specific project tasks, operation, and service delivery.

Please limit the application narrative to no more than 30 double-spaced, typed pages (on one side only). Supplemental documentation (not to exceed 25 pages) may be attached to the program narrative and is not counted as part of the 30 pages of narrative.

Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project 1850–0653, Washington, DC 20503.

(Information collection approved under OMB control number 1850–0635. Expiration date: 5/31/92)

BILLING CODE 4000–01–M

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant.

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse, (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U S C § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made. and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases

8. Will comply with the provisions of the Hatch Act (5 U.S.C §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U S C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

BILLING CODE 4000-01-C

Assurances—Jacob K. Javits Gifted and Talented Students Education Program

The applicant hereby assures and certifies that it will:

1. If it provides for service delivery, provide for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in preservice and inservice training programs supported under the Act;

2. Use the funds received under the Javits Program to supplement and make more effective the expediture of State and local funds, and of Federal funds made available under Chapter 2 of Title I and Title II of the Elementary and Secondary Education Act of 1965 for the education of gifted and talented students.

Signature

Name

Title

Date

Gifted and Talented Program

Data Sheet

Please check the priority or priorities your proposed program or project will address.

Absolute Priorities: (The application must address one or both of these priorities.)

—The identification of gifted and talented students who may not be identified through traditional assessment methods (including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with handicaps) and the provision of education programs designed to include gifted and talented students from such groups; and

—Programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification and education of gifted and talented students.

Service Priority

—The application contains a component designed to serve gifted and talented students who are economically disadvantaged individuals.

BILLING CODE 4000-01-M

Certification Regarding Debarment, Suspension, and Other Responsibility Matters Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the U.S. Department of Education, Grants and Contracts Service, 400 Maryland Avenue, S.W. (Room 3633 GSA Regional Office Building No. 3), Washington, D.C. 20202-4725, telephone (202) 732-2505.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name | PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature | Date

ED Form GCS-008, (REV.12/88)

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

ED Form GCS-008, (REV. 12/88)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name | PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature | Date

ED Form GCS-009, (REV. 12/88)

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

ED Form GCS-009, (REV. 12/88)

Certification Regarding Drug-Free Workplace Requirements Grantees Other Than Individuals

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F. The regulations, published in the January 31, 1989 Federal Register, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment (see 34 CFR Part 85, Sections 85.615 and 85.620).

The grantee certifies that it will provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing a drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;
(2) The grantee's policy of maintaining a drug-free workplace;
(3) Any available drug counseling, rehabilitation, and employee assistance programs; and
(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--

(1) Abide by the terms of the statement; and
(2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination; or
(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

Organization Name PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature Date

ED 80-0004

Certification Regarding Lobbying For Grants and Cooperative Agreements

Submission of this certification is required by Section 1352, Title 31 of the U.S. Code and is a prerequisite for making or entering into a grant or cooperative agreement over $100,000.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, 'Disclosure Form to Report Lobbying,' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact on which the Department of Education relied when it made or entered into this grant or cooperative agreement. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Organization Name | PR/Award (or Application) Number or Project Name

Name and Title of Authorized Representative

Signature | Date

ED 80-0008 12/89

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0346-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known:*

Congressional District, *if known:*

5. If Reporting Entity in No. 4 is Subawardee, Enter name and Address of Prime:

Congressional District, *if known:*

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable:* _____

8. Federal Action Number, *if known:*

9. Award Amount, *if known:*
$

10. a. Name and Address of Lobbying Entity
(if individual, last name, first name, MI):

b. Individuals Performing Services *(including address if different from No. 10a)*
(last name, first name, MI):

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply):*
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply):*
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply):*
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ **Date:** _____

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Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 mintues per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ **Page** _____ **of** _____

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Standard Form - LLL-A

[FR Doc. 90-5791 Filed 3-13-90; 8:45 am]

BILLING CODE 4000-01-C

federal register

Wednesday
March 14, 1990

Part VII

Department of Transportation

Research and Special Programs Administration

Oakland, California; Nuclear Free Zone Act; Inconsistency Ruling

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Inconsistency Ruling No. IR-30; Docket IRA-47]

City of Oakland, California; Nuclear Free Zone Act

APPLICANT: United States Department of the Navy.

REGULATIONS AFFECTED: City of Oakland Nuclear Free Zone Act.

APPLICABLE FEDERAL REQUIREMENTS: Hazardous Materials Transportation Act (HMTA) (Public Law 93-633, 49 U.S.C. App. 1801 *et seq*) and the Hazardous Materials Regulations (HMR) (49 CFR parts 171 through 180) issued thereunder.

MODES AFFECTED: All.

ISSUE DATE: March 9, 1990.

SUMMARY: This inconsistency ruling is the opinion of the Office of Hazardous Materials Transportation (OHMT) of the Department of Transportation (DOT) concerning whether the Nuclear Free Zone Act of the City of Oakland, California, is inconsistent with the HMTA and the HMR and thus preempted by section 112(a) of the HMTA. This ruling was applied for and is issued under the procedures set forth at 49 CFR 107.201-107.209.

RULING: Insofar as they apply to the transportation of hazardous materials, including the loading, unloading, and storage incidental to that transportation, the following provisions of the Nuclear Free Zone Act (NFZA) of the City of Oakland, California, are inconsistent with the HMTA and the HMR and thus preempted under section 112(a) of the HMTA (49 U.S.C. App. 1811(a)):

(1) The definitions of "nuclear weapon" and "hazardous radioactive material" in section 11;

(2) The prenotification requirements of section 5.a.i.;

(3) The routing requirements of section 5.a.ii. and the related City Council resolution providing for the designation of City street routes;

(4) The mode of transportation requirements of section 5.a.ii;

(5) The placarding requirement of section 5.a.iv.;

(6) The confirmation of the ban on spent nuclear fuel through the Port of Oakland in section 5.b.;

(7) The prohibition of radioactive materials storage in section 6;

(8) The prohibition of "nuclear weapons work" in sections 4 and 11.d.;

(9) The information reporting requirements of sections 10 b. and d.;

(10) The inspection provisions of section 5.a.iii.;

(11) The fee provisions of section 10.c.; and

(12) The enforcement provisions of sections 10.e., f., and g.

Insofar as they apply to the transportation of hazardous materials, including the loading, unloading, and storage incidental to that transportation, the following provisions of Chapter 17.68 of the City of San Jose's Code are consistent with the HMTA and the HMR because they are not requirements:

(1) The statements of purpose in section 2; and

(2) The findings in section 3.

This ruling does not address the consistency of any provisions not described above. It also does not address the consistency of any provisions of the Nuclear Free Zone Act as applied to any activities other than the transportation of hazardous materials, including the loading, unloading, and storage incidental to such transportation.

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I. Background

On May 17, 1989, the U.S. Department of the Navy (DON) filed an inconsistency ruling application. That application requested a ruling concerning the consistency of the Nuclear Free Zone Act of the City of Oakland, California, with the HMTA and the HMR.

DON contends that several provisions of that Act, which actually is a City ordinance, are inconsistent with the HMTA and the HMR.

On June 27, 1989, OHMT published a Public Notice and Invitation to Comment (54 FR 27104) soliciting public comments on DON's application. On September 25, 1989, OHMT published a notice (54 FR 39253) extending the rebuttal comment period.

Comments in support of findings of inconsistency were filed by the Applicant and by the Edison Electric Institute/Utility Nuclear Waste and Transportation Program, the Department of Energy, and McGil Specialized Carriers, Inc. Comments supporting findings of consistency were filed by the City of Oakland. Mr. Douglas Vollgraff submitted comments supporting some findings of inconsistency and one finding of consistency.

II. General Authority and Preemption Under the HMTA

The HMTA at section 112(a) (49 U.S.C. App. section 1811 (a)) preempts "* * * any requirement, of a State or political subdivision thereof, which is inconsistent with any requirement set forth in the [the HMTA], or in a regulation issued under [the HMTA]." This express preemption provision makes it evident that Congress did not intend the HMTA and its regulations to completely occupy the field of transportation so as to preclude any state and local requirements that are not "inconsistent."

In the HMTA's Declaration of Policy (section 102) and in the Senate Commerce Committee language reporting out what became section 112 of the HMTA, Congress indicated a desire for uniform national standards in the field of hazardous materials transportation. Congress inserted the preemption language in section 112(a) "in order to preclude a multiplicity of state and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous material transportation" (S. Rep. No. 1192, 93rd Cong., 2d Sess. 37 (1974)). Through its enactment of the HMTA, Congress gave the Department the authority to promulgate uniform national standards. While the HMTA did not totally preclude state or local action in this area, Congress intended, to the extent possible, to make such state or local action unnecessary The comprehensiveness of the HMR, issued to implement the HMTA, severely restricts the scope of historically permissible state or local activity.

Although advisory in nature, inconsistency rulings issued by OHMT under 49 CFR part 107 provide an alternative to litigation for a determination of the relationship between Federal requirements and those of a state or political subdivision. If a state or political subdivision requirement is found to be inconsistent, the state or local government may apply to OHMT for a waiver of preemption. 49 U.S.C. App. section 1811(b); 49 CFR 107.215-107.225.

In issuing its advisory inconsistency rulings concerning preemption under the HMTA, OHMT is guided by the principles enunciated in Executive Order 12612 entitled "Federalism" (52 FR 41685, Oct. 30, 1987). Section 4(a) of that Executive Order authorizes preemption of state laws only when the Federal statute contains an express preemption provision, there is other firm and palpable evidence of Congressional

intent to preempt, or the exercise of state authority directly conflicts with the exercise of Federal authority. The HMTA, of course, contains an express preemption provision, which OHMT has implemented through regulations and interpreted in a long series of inconsistency rulings beginning in 1978.

Since these proceedings are conducted purusant to the HMTA and the HMR, only the question of statutory preemption under HMTA will be considered. A court might find a non-Federal requirement preempted for other reasons, such as statutory preemption under another Federal statute, preemption under state law, or preemption by the Commerce Clause of the U.S. Constitution because of an undue burden on interstate commerce. However, OHMT does not make such determinations in an inconsistency ruling proceeding.

OHMT has incorporated into its procedures (49 CFR 107.209(c)) the following criteria for determining whether a state or local requirement is consistent with, and thus not preempted by, the HMTA:

(1) Whether compliance with both the non-Federal requirement and the Act or the regulations issued under the Act is possible; and

(2) The extent to which the non-Federal requirement is an obstacle to the accomplishment and execution of the Act and the regulations issued under the Act.

These criteria are based upon, and supported by, U.S. Supreme Court decisions on preemption. These include *Hines* v *Davidowtiz*, 312 U.S. 52 (1941); *Florida Lime & Avocado Growers, Inc.* v. *Paul*, 373 U.S. 132 (1963); and *Ray* v. *Atlantic Richfield Co.*, 435 U.S. 151 (1978).

The first criterion, the "dual compliance" test, concerns those non-Federal requirements which are irreconcilable with Federal requirements; that is, compliance with the non-Federal requirement causes the Federal requirement to be violated, or *vice versa*. The second criterion, the "obstacle" test, involves determining whether a state or local requirement is an obstacle to executing and accomplishing the purposes of the HMTA and the HMR; a requirement constituting such an obstacle is inconsistent. Application of this second criterion requires an analysis of the non-Federal requirement in light of the requirements of the HMTA and the HMR, as well as the purposes and objectives of Congress in enacting the HMTA and the manner and extent to which those purposes and objectives have been carried out through OHMT's regulatory program.

III. The Application for Inconsistency Ruling

On May 17, 1989, the Department of the Navy (DON), through Mr. Lawrence L. Lamade, its General Counsel, applied for an inconsistency ruling concerning the Oakland Nuclear Free Zone Act (NFZA).

In its application, DON, preliminarily describes the scope of the NFZA. DON states that the NFZA applies to the transport of any nuclear weapon or hazardous radioactive material and that the scope of the NFZA is evidenced by its stated purpose to "make Oakland a nuclear free zone."

DON stresses that the NFZA addresses the transportation of nuclear weapons or other "hazardous radioactive materials" through, or over, Oakland and that it applies to *all* "hazardous radioactive materials," regardless of their classification under the HMR. Section 11.g. of the NFZA defines "Hazardous Radioactive Materials" as:

* * * any radioactive isotope(s) resulting from the operation of, or intended for use in, nuclear fission reactors or nuclear weapons; the refined products of spent nuclear fission reactors, or of any device or component of a device that has been used to contain or process radioactive isotopes; or the tailings or similar debris resulting from the mining of uranium or other radioactive elements except as specifically exempted herein.

However, DON points out that Subsections 12.h. and i. exempt (1) nuclear medicine research programs, (2) "unclassified" research, study, evaluation or teaching, (3) the operation of particle accelerators, (4) the construction and operation of experimental fusion reactors, and (5) consumer uses of radioactive material, from the provisions of the NFZA.

Because section 11.a. defines "person" as any "natural person, corporation, college or university, laboratory, institution, governmental agency, or other entity," DON argues that the NFZA is applicable to the activities and operations of both private entities and the Federal Government. Thus, says DON, the NFZA applies to any nuclear weapon or radioactive material which is generated, utilized, or transported in, through, or over the City of Oakland.

DON contends that several provisions of the NFZA are inconsistent with the HMTA and the HMR under both the "obstacle" and "dual compliance" tests described above.

First, citing numerous prior inconsistency rulings and 49 CFR part 177, appendix A, DON asserts that a 45-day advance notice provision is inconsistent because of delays and diversions resulting therefrom. It also argues that the requirement for 45 days' advance notice to the City concerning radioactive materials transportation is inconsistent because it applies to Department of Defense shipments exempt from the HMR under 49 CFR 173.7(b) and because it may violate the disclosure prohibitions of 10 CFR 73.21, which is incorportated by reference in 49 CFR173.22(c).

Second, DON contends that routing requirements of the NFZA are inconsistent. The NFZA provides that, after a public hearing, the City Council will determine the safest route and means of transportation for radioactive materials transportation. According to DON, this process is inconsistent with the HMR's classification of radioactive materials and the routing requirements of 49 CFR 177.825, particularly the provision for transportation of highway route controlled quantities (HRCQ) of radioactive materials on preferred routes (Interstate highways and state-designated routes).

Other grounds advanced by DON for the alleged inconsistency of this process are the NFZA's application to non-HRCQ radioactive materials and shipments excluded from regulation by the HMR, the City Council's unfettered discretion to select routes, and delays that will result from this process—particularly from a requirement that at least 15 days' public notice follow the Council's selection of a route.

Third, DON argues that the NFZA contains an inconsistent placarding requirement, specifically a requirement for a sign reading "Transportation of Hazardous Radioactive Materials" clearly visible at least 150 feet in each direction. DON alleges an inconsistency with the placarding system of 49 CFR 172.500–558, particularly with 49 CFR 172.556 concerning radioactive materials placarding. It cites language in Inconsistency Ruling (IR) No. IR–24 (53 FR 19848, May 31, 1988) that "HMR placarding provisions do completely occupy the field and, therefore, preempt all state and local placarding and warning sign requirements for hazardous materials transportation which are not identical to the Federal requirements."

Fourth, DON cites several inconsistency rulings to support its contention that the following transportation ban in the NFZA is inconsistent: "The present ban by the Port of Oakland on transportation of spent nuclear fuel rods through the Port is hereby confirmed and made permanent." DON states that the authority to ban or prohibit

transportation is exclusively Federal and quotes the following language from IR-3 (Decision on Appeal), 47 FR 18457, 18458 (April 29, 1982):

> A unilateral local ban is a negation, rather than an exercise, of local responsibility, since it isolates the local jurisdiction from the risks associated with the commercial life of the nation.

Finally, DON aruges that fee and criminal penalty provisions of the NFZA are inconsistent insofar as they relate to, or support, inconsistent provisions.

IV. Public Comments Against Consistency

Comments favoring a finding of inconsistency were filed by the Edison Electric Institute/Utility Nuclear Waste and Transportation Program (UWASTE), the Department of Energy (DOE), McGil Specialized Carriers, Inc. (McGil), Mr. Douglas Vollgraff, and DON.

UWASTE primarily addresses its comments to the NFZA's section 5 restrictions on the transportation of "hazardous radioactive materials through or over Oakland" and its section 10 provisions (Enforcement, Sanctions, and Citizens Suits) to the extent they apply to transportation activities. First, it cites IR-18, 52 FR 200 (Jan. 2, 1987), for the proposition that the NFZA's section 3 findings are not a "requirement" and thus are not subject to preemption under the HMTA.

However, UWASTE says that the City's finding that 130 local communities have enacted similar nuclear free zone provisions makes OHMT's ruling in this matter significant. It contends that the Department of Transportation (DOT) has specifically provided a very limited role for local governments in regulating the transportation of radioactive materials by providing in 49 CFR 177.825 that their role in the routing of HRQC radioactive materials is solely one of being consulted by states designating preferred routes for such transportation.

UWASTE argues that the definition of "hazardous radioactive material" in section 11.g. of the NFZA, which determines what materials are subject to the transportation restrictions of section 5.a. thereof, creates a hazard class that is different from those in the HMR and, therefore, is inconsistent under the obstacle test. It cites several inconsistency rulings and a court decision in support of this contention.

Furthermore, citing IR-8 (Appeal), 52 FR 13005 (Apr. 20, 1987), and IR-27, 54 FR 16326 (Apr. 21, 1989), correction 54 FR 20001 (May 9, 1989), UWASTE also argues that the NFZA section 5.a.i. requirement for 45 days' notice to the City prior to transportation of hazardous radioactive materials is inconsistent with the HMR. It contends that this area is exclusively Federal by virtue of the HMR provisions at 49 CFR 173.22 and 177.825 and the NRC regulations (10 CFR 71.97 and 73.97) incorporated therein by reference. It further argues that the notice provision is inconsistent because it is open-ended as to what information the City may require as part of the required notice and any such requirement may conflict with the HMR.

Furthermore, UWASTE asserts that section 5.a.ii. of the NFZA impermissibly provides that the City Council, after public hearings, shall determine the safest route and means of transportation for radioactive materials. It says that the hearing itself could result in the disclosure of NRC-"safeguards" information.

UWASTE's primary contention on this point, however, is that the selection of highway routes for radioactive materials transportation has been exhaustively dealt with by 49 CFR 177.825 and that the only role provided for local governments is participation in state designations of preferred routes for highway transportation of HRCQ radioactive materials. Likewise, it contends, DOT's decision not to promulgate routing standards for railroad transportation makes it even less appropriate for a locality to make rail routing decisions. In addition, UWASTE points out that any Oakland routing decisions necessarily would affect the routes prior to and after travel through Oakland.

Furthermore, UWASTE contends that the City has no authority to dictate the appropriate mode of transportation because that is exclusively a Federal determination. It cites *City of New York* v. *United States Department of Transportation*, 715 F.2d 732 (2d Cir. 1983), *cert. denied and appeal dismissed*, 465 U.S. 1055 (1984), for the proposition that the HMTA requires DOT to provide for an adequate level of safety in each mode of transport but does not require DOT to maximize public safety by mandating the use of particular modes of transportation. It concludes that the City cannot dictate the mode of transportation once DOT has determined that radioactive materials transportation can be conducted safely by rail and highway.

UWASTE next focuses on section 5.a.iii. of the NFZA, which empowers the City to monitor radioactive materials shipments. It contends that this provision is inconsistent because it ties the monitoring to other inconsistent NFZA provisions and could delay monitored shipments.

UWASTE also argues the section 5.a.iv. is inconsistent; that section requires display of a sign warning "Transportation of Hazardous Radioactive Materials" clearly visible for 150 feet in each direction. In support of its contention that hazardous materials transportation placarding is an exclusively Federal area of regulation, UWASTE cites IR-24, *supra;* IR-2, 44 FR 75566 (Dec. 20, 1979); IR-3, 46 FR 18918 (Mar. 26, 1981); *Kappelmann* v. *Delta Air Lines, Inc.*, 539 F.2d 165 (D.C. Cir. 1976), *cert. denied*, 429 U.S. 1061 (1977); and *National Tank Truck Carriers Inc.* v. *City of New York*, 677 F.2d 270 (2d Cir. 1982).

Similarly, UWASTE states that section 5.b. of the NFZA, which bans transportation of spent nuclear fuel rods through the Port of Oakland, purports to exercise authority in an exclusively Federal field. In support of its position, UWASTE quotes the following language from IR-3 (Appeal): "A unilateral local ban is a negation, rather than an exercise, of local responsibility, since it isolates the local jurisdiction from the risks associated with the commercial life of the nation." 47 FR at 18458 (Apr. 29, 1982).

Finally, UWASTE argues that the enforcement, sanctions and fees provisions of section 10 of the NFZA are inconsistent because the NFZA's transportation provisions themselves are inconsistent in their entirety as applied to commercial shipments of radioactive materials.

DOE submitted comments which parallel those of UWASTE and specifically characterize as "inconsistent" the NFZA provisions concerning hazard classes and definitions, prenotification, means of transport, routing, shipment monitoring, warning signs, ban on shipments through the Port of Oakland, reporting and information requirements, and fees and enforcement provisions.

DOE cites numerous inconsistency rulings for the principle that defining and classifying hazardous materials for regulation of transportation thereof is an exclusively Federal function. It says that the City's definition of "hazardous radioactive materials" significantly differs from the HMR definitions of hazardous materials in 49 CFR part 172, appendix A and part 173, subpart I.

Furthermore, DOE addresses the NFZA's application to nuclear weapons shipments:

> * * * the Act is inconsistent insofar as it applies to nuclear weapons shipments. Many of the components of a nuclear weapon are not classified as hazardous materials in the HMR and thus are not regulated by the HMR.

49 CFR 172 and 173. Furthermore, the transport of radioactive materials escorted by personnel specifically designated by or under the authority of the Department of Energy (DOE) or the Department of Defense (DOD) for national security purposes is exempt from the regulation under the HMR. 49 CFR 173.7. Nuclear weapons shipments are escorted by personnel designated by or under the authority of DOE for national security purposes. Thus, regulation of nuclear weapons is inconsistent with the HMR.

Concerning the City's prenotification requirements, DOE argues that the HMR completely occupies this field with respect to radioactive materials and cites several inconsistency rulings for the proposition that state and local requirements for greater prenotification are inconsistent. DOE specifically alleges inconsistency of the NFZA prenotification requirements with 49 CFR 173.22, including the incorporation by reference therein of 10 CFR 73.37(c).

Like UWASTE, DOE cites 49 CFR 177.825; *City of New York* v. *U.S. Department of Transportation, supra,* and several inconsistency rulings to support its argument that the City's asserted authority to determine routes and modes of transportation are inconsistent with the HMTA and the HMR.

DOE contends that the above-discussed provisions would result in significant delay, restriction and possible prevention of radioactive materials transportation and, therefore, are inconsistent. It quotes IR–8 (Appeal), *supra,* as follows:

> While states do have a role in effectuating the safe transportation of radioactive materials, it does not follow that they have unfettered discretion to take actions which have the effect of restricting or delaying transportation being conducted in compliance with Federal law.

Next, DOE argues that the NFZA monitoring provisions are inconsistent because they provide too much discretion to local officials to determine the "adequacy of safety" of hazardous materials shipments, they relate to inconsistent provisions of the NFZA, and they improperly require that carriers stop and wait for inspections.

DOE advances the same arguments as UWASTE concerning the alleged inconsistency of the NFZA provisions concerning hazardous warning signs and the Port of Oakland ban.

In addition, DOE addressed reporting and information requirements contained in sections 10.b. and 10.d. of the NFZA. It cites IR–19, 52 FR 24404 (June 30, 1987), correction 52 FR 29468 (Aug. 7, 1987), for the proposition that state and local information and documentation requirements exceeding those in the HMR are inconsistent.

Finally, DOE argues that the fee provisions of section 10.c. are inconsistent insofar as they support inconsistent provisions of the NFZA and that the enforcement provisions of sections 10.e, f., and g. of the NFZA are inconsistent insofar as they provide a means to enforce inconsistent provisions of the NFZA.

Mr. Douglas Vollgraff submitted comments supporting findings of inconsistency with respect to several NFZA provisions. First, he argues that the NFZA definition of "hazardous radioactive materials" is inconsistent because it includes radioactive materials that are excluded from regulation by the HMR. Second, he states that the NFZA definition of "person" is inconsistent because it includes governmental agencies and thus conflicts with 49 CFR 177.806(b).

Third, Mr. Vollgraff sees several problems with section 5 of the NFZA:

> Section 5 of the ordinance provides a number of areas which can be construed to limit or eliminate the transportation of radioactive hazardous materials. The 45 day notification period and public hearing of a shipment of radioactive materials through the city of Oakland will serve as a method to severely curtail, if not eliminate, the shipment of radioactive material being considered. In addition the security and safe handling of such a shipment would be severely questioned, in light of probable public protest actions. The selection process of an approved route by the City Council is inconsistent with section 177.825 of the HMR, and will serve as another method to curtail the transportation of radioactive materials. Finally, the ban on the transportation of spent nuclear fuel rods is purely a federal jurisdictional question and not within the scope of a municipal government.

Finally, Mr. Vollgraff says that section 9.c., concerning fees, could severely limit the transportation of radioactive materials and presumes guilt on the part of motor carriers.

In its comments, McGil indicates that it is a carrier of radioactive materials and also a plaintiff in a lawsuit challenging the legality of the NFZA, *Issakides* v. *City of Oakland,* No. C–89–1477–JPV, which is pending in the U.S. District Court for the Northern District of California. McGil provides extensive comments concerning the desirability of regulatory uniformity in the field of hazardous materials transportation. It concludes those comments with the following statement:

> The transportation of hazardous materials must be conducted in a uniform manner without the stockpiling of shipments in a particular locale waiting to enter the jurisdiction of another, or diverting to circuitous paths and increasing the time and length of transport to avoid a specific municipality's scheme of regulation.

McGil next contends that NFZA section 5.a.ii, requiring the City Council to determine routes, is inconsistent with 49 CFR 177.825 to the extent that it purports to allow the City to ban transportation of radioactive materials on Interstate highways. It points out that § 177.825 requires HRCQ radioactive materials to be transported on preferred routes, which are Interstate System highways and routes designated by "state routing agencies." The 49 CFR 171.8 definition of such agencies, McGil says, does not include municipalities, and the City thus has no authority to designate preferred routes for HRCQ radioactive materials transportation.

(McGil and other commenters rely upon appendix A to 49 CFR part 177, a policy statement of RSPA concerning radioactive materials transportation. In light of the recent deletion of appendix A from the CFR (55 FR 4423, Feb. 8, 1990), however, all comments concerning that Appendix are irrelevant and have been disregarded in deciding this matter.)

Next, McGil asserts that the City's 45-day advance notice requirement is inconsistent with the HMTA and the HMR. It specifically points to 49 CFR 177.853(a), which requires all hazardous materials transported by highway to be transported without unnecessary delay It also cites several inconsistency rulings in which prenotification requirements were found inconsistent. In addition, it quotes the following language from a Federal court decision finding hazardous materials transportation curfews inconsistent with the HMTA:

> In addition to causing unnecessary delays, time restrictions defeat Congress' intent for uniformity in the transportation of hazardous materials. If states decide to place time restraints of this nature on the transportation of hazardous materials, the movement of such materials could be seriously impeded. Therefore, even though the curfew regulation does not directly conflict with HMTA, it is inconsistent in that it undermines the full purposes of the Act and is preempted.

National Tank Truck Carriers, Inc. v. *Burke,* 535 F. Supp. 509, 518–9 (D. R.I. 1982) (citing IR–2, *supra*), *aff'd* 698 F.2d 559 (1st Cir. 1983).

In support of its argument that the NFZA provision controlling the mode of transportation is inconsistent, McGil cites two court cases. First, it cites *South Dakota Dep't of Pub. Safety ex rel. Melgaard* v. *Haddenham,* 339 N.W.2d 786 (1983), where a local ordinance limiting fireworks transportation to

highway carriers was found inconsistent with the HMTA. Second, it cites *City of New York* v. *United States Department of Transportation, supra,* for the proposition that radioactive wastes could not be compelled to be transported by barge.

Finally, McGil contends that the placarding requirement of NFZA's section 5.a.iv. is inconsistent for several reasons. First, it says that such requirements imposed by different cities would cause delays as drivers attempted to comply with various and possibly conflicting placarding requirements. Second, it quotes IR–2, *supra,* which states that different placarding requirements imposed by states and localities detract from the DOT system and might cause confusion. Third, it quotes 49 CFR 172.502(b), which states that "[n]o person may affix or display any sign or other device on a transport vehicle * * * that by its color, design, shape, or content could be confused with any placard prescribed in this subpart." Fourth, it quotes a specific HMR radioactive materials placarding requirmement in 49 CFR 172.507(a) and concludes that the Oakland requirement could be confused with the HMR requirement and thus is expressly preempted by 49 CFR 172.502(b).

In response to a comment by Mr. Vollgraff (described below) supporting the NFZA placarding requirement, DON filed a rebuttal comment. DON contends that this NFZA provision will hinder, rather than assist, emergency response personnel and is inconsistent with the HMR radioactive materials placarding requirements in 49 CFR 172.556 and 172.507 and labeling requirements in 49 CFR 172.403. Also, it argues that 49 CFR 172.328 does not justify this NFZA provision; it says that this HMR section requires marking of cargo tanks with the proper shipping name of gases (in addition to placarding) to facilitate appropriate emergency response and that the parallel provisions for radioactive materials are those requiring necessary safety information on package labels. It cites IR–2, IR–3 and IR–24, all *supra,* as holding that state and local placarding and other hazard warning requirements are inconsistent with the HMR if they are in addition to, or different from, the HMR placarding requirements.

V. Public Comments Supporting Consistency

As indicated in the preceding paragraph, Mr. Vollgraff submitted a comment supporting the consistency of the NFZA placarding requirement. He states that the identification of radioactive materials during shipment will assist emergency response teams in the event of an incident. He also says that the NFZA provision has a counterpart in 49 CFR 172.328(c), which concerns the transportation of gases in cargo tanks.

The City of Oakland filed extensive rebuttal comments supporting the consistency of its NFZA. It says that the NFZA was adopted by City voters at a general election and then by the City Council. The City says it is in the process of implementing the transportation requirements of section 5 of the NFZA.

The City describes two lawsuits concerning its NFZA which are pending in the U.S. District Court for the Northern District of California. They are *Issakides* v. *City of Oakland, supra,* and *United States* v. *City of Oakland,* No. C–89–3305–TEH. The City contends that the preemption questions at issue in this proceeding are the same as those before the Court and that, therefore, this proceeding should be stayed or the application dismissed.

Alternatively, the City requests that the consistency of the NFZA requirements be construed in light of several City Council actions taken with respect to implementation of the NFZA. First, it indicates that the Council has adopted the following recommendations made by the City Manager:

1. Exempt from regulation shipments of radioactive materials below 5,000 curies going directly to hospitals or medical facilities for research in or application of nuclear medicine;
2. Exempt from regulation shipments of radioactive materials consisting of smoke detectors, light-emitting watches or clocks, or other similar consumer uses;
3. Designate the city street routes from/to all Port of Oakland terminals to/from the interstate highway system; and
4. Provide for annual public hearings to determine and designate other City street routes, depending on points of origination and destination, for the transport of hazardous radioactive materials.

Second, the City indicates that the Council, in response to the filing of the complaint in *Issakides,* adopted a resolution concerning the transportation requirements. That resolution provides:

> The transportation regulations contained in Sections 5(a)(i), 5(a)(ii), and 5(a)(iv) of the Ordinance do not apply and will not be enforced with respect to shipments of hazardous radioactive materials on interstate or state highways * * * *

With respect to the designation of routes under section 5.a.ii., the City says there is no inconsistency because there are no diversions of transportation, no significant delays, no permits and no bans. The City says that, by executing the above-quoted City Council resolutions, its routing regulations do not apply to "transports" over state and Interstate highways and that it has designated the City street routes to be used for transportation between those highways and the port teminals. It adds that other City street routes will be designated when commonly-used origination and destination points are determined and that then only annual public hearings will be required to determine the safest routes of transportation.

Under the above-described City-street designation system, says the City, there will be no diversions to other jurisdictions and no significant restrictions or delays because transporters will have advance knowledge for the designated City street routes. Furthermore, the City argues that there is no inconsistency with the 49 CFR 177.825 requirements that HRCQ radioactive materials be transported on perferred routes or that non-HRCQ radioactive materials be transported over routes selected to minimize radiological risks and without unnecessary delay. The City, however, does concede that it is not clear whether its [determination of] "safest" routes coincides with an assessment of radiological risk. It also cites *National Tank Truck Carriers, Inc* v.*City of New York,* 677 F.2d 270 (2d Cir. 1982), as upholding the principle of local community routing of hazardous materials.

Concerning the monitoring of shipments under section 5.a.iii. of the NFZA, the City states that it has not yet developed administrative procedures for monitoring and thus a decision on inconsistency would be premature. In addition, it cites IR–17, 51 FR 20926 (June 9, 1986), as upholding a State of Illinois regulation providing for inspection of all shipments of spent fuel.

The City contends that section 5.b. of the NFZA does not impose any regulations on spent fuel shipments but merely confirms action previously taken by the Port of Oakland. It asserts that it is not clear whether the NFZA provision binds the Port of Oakland because the Board of Port Commissioners is independent of City Council and is vested with exclusive control and management of Port facilities. On this issue, the City concludes by arguing that the NFZA (in section 3) merely calls upon the Port Board to implement its provisions, that its drafters apparently intended not to bind the Port Commissioners by the terms of the NFZA, and that section 5.b. is ineffectual in binding the City or Port even if it constitutes regulatory action.

In support of the consistency of NFZA section 10(c) fee provision, the City quotes from IR-17, *supra*: "[s]o long as a state-imposed fee is not an element of an inconsistent transportation requirement, there is no basis for preemption under the HMTA." 51 FR at 20934. The City says that it intends to impose a fee of $75.00 on each shipment over 5,000 curies and that the fee would defray the costs of route designations and shipment monitoring. It says that any ruling on diversion or delay would be premature and that the fee is consistent because it is assessed for implementation of consistent regulations. Finally, it cites *New Hampshire Motor Transport Ass'n* v. *Flynn*, 751 F.2d 43 (1st Cir. 1984), in which the Court noted that DOT possesses the authority to promulgate rules to preempt local action regarding fees but has not done so.

Finally, the City contends that the NFZA section 10.f. penalty provisions are consistent because they are intended to enforce consistent routing requirements.

VIII. Ruling

Preliminary Issue

The City contends that the DON application should be dismissed or this proceeding stayed pending Court resolution of the issues. DON's application, however, raises significant preemption issues under the HMTA, and all parties engaged in hazardous materials transportation or the regulation of that transportation will be served by OHMT's addressing those issues.

In responding to a similar dismissal/stay request in another matter, the Secretary of Transportation personally signed a letter describing the nature of the inconsistency process and the assistance to the courts which inconsistency rulings can provide:

> This department's Inconsistency Ruling process provides a forum for differing views on the consistency of State and local requirements with the Federal HMTA and concomitant regulations. The DOT, which has been designated as the responsible government agency to administer the HMTA, is knowledgeable concerning the competing interests of the parties and committed to carrying out the intent of Congress in issuing these advisory opinions.
>
> Twenty-four [now 27] advisory Inconsistency Rulings have been issued in the past decade. These rulings provide a consistent, precedential body of opinions which have been deemed helpful to courts, State and local governments, the transportation industry and other parties interested in HMTA preemption issues. It is not unusual for a court case to be pending while an Inconsistency Ruling application is filed. In fact, several Inconsistency Rulings have been issued while cases were providing in the court. Moreover, in these cases courts considered the Department's views before rendering their decisions. In fact, should the DOT ruling be rendered prior to the Court's consideration of the case, it may be helpful to the Federal Judge determining HMTA preemption issues.

Letter quoted in IR-27, 54 FR at 16328 (Apr. 21, 1989).

Consistent with its policy of liberally construing the threshold requirements for obtaining inconsistency rulings, IR-21, 52 FR 37072 (Oct. 2, 1987), OHMT will address in this ruling the preemption issues raised in DON's application.

Statements of Intent To Regulate

Section 2 of the NFZA includes the following statements:

> The purpose of this Act is to make Oakland a nuclear free zone by:
>
> * * * * *
>
> b. Regulating the transportation of nuclear weapons and hazardous radioactive materials through Oakland, and informing the citizens of Oakland before such transportation takes place;
>
> c. Banning the storage or reprocessing of hazardous materials in Oakland * * *.

Several prior inconsistency rulings have indicated that state or local government statements of intent to regulate hazardous materials transportation are not inconsistent with the HMTA or the HMR. IR-9, 49 FR 46644 (Nov. 27, 1984); IR-12, 49 FR 46650 (Nov. 27, 1984); IR-15, 49 FR 46656 (Nov. 27, 1984); IR-18, *supra*. This principle results from the fact that the HMTA preemption provision applies only to state and local "requirements." 49 U.S.C. App. 1811(b).

Therefore, the above-quoted statements of purpose, which reflect an intent to regulate but do not themselves require or prohibit anything, are not inconsistent with the HMTA. This same principle applies to all of section 2 (Purpose) and section 3 (Findings) of the NFZA.

Language in those sections, however, may be useful in construing other sections of the NFZA—particularly in determining the meaning of the NFZA as modified by later City Council actions.

Definition of Hazardous Materials

The transportation requirements of the NFZA apply to "nuclear weapons" and other "hazardous radioactive materials." Those terms are defined in section 11 of the NFZA as follows:

> c. "Nuclear weapon" is any device the intended explosion of which results from the energy released by reactions involving atomic nuclei, either fission or fusion or both. Nuclear weapon includes the means of transporting, guiding, propelling, triggering, or detonating the weapon. Nuclear weapon also includes any component of a nuclear weapon, i.e., any device, radioactive or non-radioactive, the primary intended function of which is to contribute to the operation of a nuclear weapon or to be a part of a nuclear weapon.
>
> g. "Hazardous radioactive material" is any radioactive isotope(s) resulting from the operation of, or intended for use in, nuclear fission reactors or nuclear weapons; the refined products of spent nuclear fission reactors, or of any device or component of a device that has been used to contain or process radioactive isotopes; or the tailings or similar debris resulting from the mining of uranium or other radioactive elements except as specifically exempted herein.
>
> h. Nothing in this Act shall be construed to prohibit research on and the application of nuclear medicine or consumer uses of radioactive material for smoke detectors, light-emitting watches and clocks, and other similar applications.

Also, the City Council adopted a resolution exempting from the regulations "shipments of radioactive materials below 5,000 curies going directly to hospitals or medical facilities for research in or application of nuclear medicine."

On the other hand, the HMR contain different and more complex difinitions of radioactive materials subject to regulation under the HMR. Specifically, 49 CFR 173.403 contains definitions, *inter alia*, of the following terms relating to which radioactive materials are regulated in what manner under the HMR:

A_1
A_2
Depleted uranium
Design
Enriched uranium
Exclusive use
Fissile material
Highway route controlled quantity
Limited quantity of radioactive material
Low specific activity material (LSA)
Natural thorium
Natural uranium
Normal form radioactive material
Radiation level
Radioactive article
Radioactive contents
Radioactive material
Special form radioactive material
Specific activity
Uncompressed gas
Unirradiated thorium
Unirradiated uranium

The following definition of "radioactive material" in that HMR section demonstrates the highly technical and interrelated nature of these definitions: " 'Radioactive material' means any material having a

specific activity greater than 0.002 microcuries per gram (uCi/g) (see definition of 'specific activity')."

The result of the City's definitions of "nuclear weapon" and "hazardous radioactive material" is the regulation of the transportation of materials not regulated under the HMTA, including the regulation of radioactive materials having a specific activity of 0.002 vCi/g or less, and the HMR, as well as the exclusion of certain hazardous materials regulated thereunder.

Local hazardous materials definitions which result in regulation of more or different materials as hazardous materials than the HMR are obstacles to uniformity in transportation regulation and thus are inconsistent with the HMTA and the HMR. IR-5, 47 FR 51991 (Nov. 18, 1982) and IR-6, 48 FR 760 (Jan. 6, 1983). The specific problems with different hazardous materials definitions were discussed in, among others, two earlier inconsistency rulings:

> The key to hazardous materials transportation safety is precise communication of risk. The proliferation of differing State and local systems of hazard classification is antithetical to a uniform, comprehensive system of hazardous materials transportation safety regulations.

IR-6, 48 FR at 764.

> If every jurisdiction were to assign additional requirements on the basis of independently created and variously named subgroups of radioactive materials, the resulting confusion of regulatory requirements would lead directly to the increased likelihood of reduced compliance with the HMR and subsequent decrease in public safety.

IR-12, 49 FR at 46651 (Nov. 27, 1984).

For those reasons, the Federal role in defining hazard classes and hazardous materials is exclusive, and thus such state and local definitions differing from the HMR are inconsistent with the HMR. IR-18, 52 FR 200 (Jan. 2, 1987); IR-18 (Appeal), 53 FR 28850 (July 29, 1988); IR-19, 52 FR 24404 (June 30, 1987), correction, 52 FR 29468 (Aug. 7, 1987); IR-19 (Appeal), 53 FR 11600 (Apr. 7, 1988); IR-20, 52 FR 24396 (June 30, 1987), correction, 52 FR 29468 (Aug. 7, 1987); IR-21, 52 FR 37072 (Oct. 2, 1987); IR-21 (Appeal), 53 FR 46735 (Nov. 18, 1988); IR-26, 54 FR 16314 (Apr 21, 1989), correction, 54 FR 21526 (May 19, 1989); *Missouri Pacific RR Co.* versus *Railroad Commission of Texas*, 671 F. Supp. 466 (W.D. Tex. 1987), *aff'd on other grounds* 850 F.2d 264 (5th Cir 1988), *cert. denied*, 109 S. Ct. 794 (1989); *Union Pacific RR Co.* versus *City of Las Vegas*, CV-LV-85-932 HDM (D. Nev 1986).

Because the City's definitions of "nuclear weapon" and "hazardous radioactive material" significantly differ from the HMR definitions of regulated radioactive materials, use of those definitions as a basis for regulating the transportation (e.g., routing and placarding) of certain radioactive materials is inconsistent with the HMR and, therefore, preempted.

Prenotification Requirement

Section 5.a.i. of the NFZA requires any person transporting hazardous radioactive materials through Oakland to notify the City at least 45 days in advance. Under section 5.a.11., those 45 days are to be used for a City Council hearing, with sufficient advance publicity, concerning the proposed transportation, and thereafter for at least 15 days of advance public notice of the City Council-selected route(s). There is nothing in the later City Council actions described in the City's rebuttal comments indicating that the 45-day prenotification requirement has been eliminated or modified.

That 45-day prenotification requirement is clearly inconsistent with the HMTA and the HMR. It is at odds with 49 CFR 177.853, which directs highway shipments to proceed without unnecessary delay, and 49 CFR 174.14, which directs rail shipments to be expedited within a specified time frame.

In IR-6, 48 FR 760 (Jan. 6, 1983); IR-8 (Appeal), 52 FR 13000 (Apr. 20, 1987); and IR-16, 50 FR 20872 (May 20, 1985), prenotification requirements of much shorter duration ("advance notice" with no time requirement, 15 days, and 48 hours, respectively) were found to be inconsistent. IR-6, *supra*, indicated that local requirements for advance notice of hazardous materials transportation have potential to delay and redirect traffic and thus are inconsistent.

IR-8 (Appeal), *supra*, specifically addressed this issue with respect to radioactive materials:

> Through its rulemaking process and related studies, DOT has determined what prenotification (including information, documentation and certification) requirements are necessary for the safe transportation of radioactive materials. In the process of analyzing rulemaking comments and studies it has commissioned or examined, DOT has determined what prenotification requirements are not necessary. This field has been totally occupied by the HMR. State and local provisions either authorizing less prenotification or requiring greater prenotification than the HMR, therefore, constitute obstacles to the accomplishment and execution of the objectives of the HMTA and the HMR, are inconsistent, and are preempted.

52 FR at 13005.

Therefore, the NFZA's 45-day prenotification requirement is inconsistent with the HMTA and the HMR under both the "obstacle" and "dual compliance" tests.

Routing Requirements

Section 5.a.ii. of the NFZA also authorizes the City Council, following publicity and a hearing, to determine the "safest route" of transportation and clearly implies that a carrier of radioactive materials must use that route. The City's rebuttal comments indicate that the City Council, after enactment of the NFZA, directed the designation of certain City street routes and provided that the NFZA's transportation provisions "will not be enforced" with respect to radioactive materials shipments on interstate or state highways. It is significant that the City has not exempted those highways from the provisions of the NFZA but merely determined not to enforce those provisions on those highways, at least at this time.

The City, therefore, has asserted its authority to designate specific routes for the transportation of "hazardous radioactive materials" over City streets and State and Interstate highways. Such routing requirements are inconsistent with the specific HMR routing regulations for radioactive materials set forth in 49 CFR 177.825.

Section 177.825(a) requires highway carriers of radioactive materials required to be placarded to operate on routes that minimize radiological risk. It requires each carrier to consider certain criteria in determining the route and also provides that the routing requirement does not apply when there is only one practicable route or when the carrier is operating on a "preferred highway" (explained below).

Section 177.825(b) requires highway carriers of "highway route controlled quantities" of radioactive materials to operate on "preferred routes," which are Interstate System highways or State-designated routes, selected by the carrier to reduce time in transit. All State-designated routes are identified in a "Registry of State-designated Routes" maintained by RSPA. 49 CFR 177.825(b)(1)(ii). In issuing § 177.825(b), RSPA determined that routing requirements for the transportation of radioactive materials in other modes of transportation were not necessary at that time. See 46 FR 5300 (Jan. 19, 1981).

The effect of these HMR routing requirements on state and local routing requirements for radioactive materials was addressed by the RSPA

Administrator in IR-8 (Appeal), *supra*, as follows:

> * * * the Department, through promulgation of 49 CFR 177.825, has established a near total occupation of the field of routing * * * requirements relating to the transportation of radioactive materials. Thus, state and local radioactive materials transportation routing * * * requirements other than (1) those identical to Federal requirements or (2) state designated * * * routes under 49 CFR § 177.825(b), are very likely to be inconsistent and thus preempted under section 112(a) of the HMTA. 52 FR at 13003.

Therefore, state and local routing restrictions on radioactive materials required to be placarded are inconsistent with the HMR unless they are identical to 49 CFR 177.825(a). IR-16, IR-18 (Appeal), IR-21, IR-21 (Appeal), all *supra*. Likewise, state and local routing restrictions on highway route controlled quantities of radioactive materials are inconsistent with the HMR—except for state, *not* local, designations of preferred routes pursuant to 49 CFR 177.825(b). IR-8 (Appeal), IR-16, 50 FR 20872 (May 20, 1985), IR-18, IR-18 (Appeal), IR-20, all *supra; Jersey Central Power & Light Co.* v. *State of New Jersey*, No. 84-5883 (D. N.J., Dec. 27, 1984), *appeal dismissed as moot*, 772 F.2d 35 (3rd Cir. 1985). Finally, RSPA has determined that, at this time, there is no need for highway routing requirements for other kinds of radioactive materials or any routing requirements for the transportation of any radioactive materials in other modes of transportation.

The local government routing case cited by the City, *National Tank Truck Carriers, Inc.* v. *City of New York*, 677 F.2d 270 (2d Cir. 1982), *aff'g City of New York* v. *Ritter Transportation, Inc.*, 515 F. Supp. 663 (S.D. N.Y. 1981), dealt with liquefied gases, for which there are no comprehensive HMR routing provisions similar to those for radioactive materials. Thus, that case is irrelevant to this proceeding.

In this instance, the City has asserted the authority to designate routes for HRCQ radioactive materials—an authority which can be exercised only by a state. In addition, it has admitted that its determination of "the safest route" may not be the equivalent of the § 177.825(a) "minimize radiological risk" standard; in any event, this determination is left to carriers, not cities or states, by that HMR provision.

Therefore, the City's NFZA section 5.a.ii. provisions concerning the routing of radioactive materials transportation and its related City Council resolution providing for the designation of City street routes for such transportation are both inconsistent with the HMR, specifically 49 CFR 177.825.

Mode of Transportation Requirements

Section 5.a.ii. of the NFZA also provides that the City Council, after publicity and a hearing, shall determine the safest means of transportation for all shipments of "hazardous radioactive materials."

Selection of one mandated mode of transportation results in a prohibition of transportation by any other mode of transportation. Such a prohibition is inconsistent with the HMTA. This principle was demonstrated in *South Dakota Dep't of Pub. Safety ex rel. Melgaard* v. *Haddenham*, 339 N.W.2d 786 (1983), where the Court found a State regulation allowing fireworks delivery by motor vehicle inconsistent with, and preempted by, the HMTA to the extent that it prohibited rail, air or water transportation of fireworks.

As indicated by several commenters, the decision of the Court of Appeals for the Second Circuit in *City of New York* v. *United States Department of Transportation, supra*, held that DOT was not required by the HMTA to choose the safest mode of transportation for hazardous materials but instead was directed to ensure adequate safety of hazardous materials transportation in all modes of transportation.

For these reasons, the NFZA provision requiring City Council selection of the safest means of transportation constitutes a ban on transportation of radioactive transportation by certain modes of transportation and, therefore, is inconsistent with the HMTA.

Transportation Delays

The 45-day prenotification requirement of § 5.a.e.i. of the NFZA and the City Council review provisions of § 5.a.ii. of the NFZA also are inconsistent with the HMTA and the HMR because of the virtual certainty that they will cause delay in hazardous materials transportation.

Concerns about delays of hazardous materials transportation have been expressed in several inconsistency rulings:

> The manifest purpose of the HMTA and the Hazardous Materials Regulations is safety in the transportation of hazardous materials. Delay in such transportation is incongruous with safe transportation.

IR-2, 44 FR at 75571.

> The mere threat of delay may redirect commercial hazardous materials traffic into other jurisdictions that may not be aware of or prepared for a sudden, possibly permanent, change in traffic patterns.

IR-3, 46 FR at 18921. See IR-20 and IR-21 (Appeal), both *supra*.

> Since safety risks are "inherent in the transportation of hazardous materials in commerce" [49 U.S.C. 1801], an important aspect of transportation safety is that transit time be minimized. This precept has been incorporated in the HMR at 49 CFR 177.853, which directs highway shipments to proceed without unnecessary delay, and at 49 CFR 174.14, which directs rail shipments to be expedited within a stated time frame.

IR-6, 49 FR at 765; see also IR-16, 50 FR at 20879 and IR-19, 53 FR 24409.

The 45-day prenotification requirement and the City Council review requirements are virtually certain to cause unreasonable delays and diversions to other jurisdictions of hazardous materials transportation. Therefore, those requirements are inconsistent with the HMR under the "obstacle" test.

In addition, by causing carriers to choose between compliance with them or to comply with the "without unnecessary delay" requirements of the HMR, those requirements also are inconsistent with the HMR under the "dual compliance" standard.

Prohibitions of Transportation

Section 5.b. of the NFZA states: "The present ban by the Port of Oakland on transportation of spent nuclear fuel rods through the Port is hereby confirmed and made permanent." The City's rebuttal comments concerning this provision are ambiguous. First, the City states that this language may have some legal effect, but then it concludes that the language is not legally binding because the Commissioners of the Port have independent legal authority.

As indicated earlier, if this language is merely precatory and reflects the views of the City but does not constitute a legally binding requirement, it is not subject to the preemption language of the HMTA. If, on the other hand, the language constitutes a legal ban on transportation of particular hazardous materials, it is inconsistent with the HMTA and the HMR. IR-3, *supra*; IR-3 (Appeal), *supra*; IR-10, 49 FR 46645 (Nov. 27, 1984), correction 50 FR 9939 (Mar. 12, 1985); IR-16, *supra*; IR-20, *supra*.

The power to ban, rather than to channel or guide, hazardous materials traffic is exclusively Federal. "A unilateral local ban is a negation, rather than an exercise, of local responsibility, since it isolates the local jurisdiction from the risks associated with the commercial life of the nation." IR-3 (Appeal), 47 FR at 18457. Thus, a County ordinance prohibiting the transportation

of spent nuclear fuel or radioactive waste transportation into a County for storage on nuclear power plant sites were held inconsistent with the HMTA and preempted in *Jersey Central Power & Light Co.* v. *Township of Lacey*, 772 F.2d 1103 (3d Cir. 1985), *cert. denied*, 475 U.S. 1013 (1986).

A similar transportation prohibition issue arises under section 6 of the NFZA, which prohibits *inter alia*, storage of "hazardous radioactive materials" in the City, and under section 4 of the NFZA, which provides: "No person shall, within the City of Oakland, knowingly engage in nuclear weapons work. [See section 11 for definitions and exclusions."] In section 11.d., "Nuclear weapons work" is defined as:

> any work that has as its purpose the development, testing, production, possession, maintenance or *storage* of nuclear weapons, the components of nuclear weapons, or any secret or classified research or evaluation of nuclear weapons. [Emphasis added.]

Because the definition of "transports" and "transportation" subject to regulation under the HMTA includes "any movement of property by any mode, and any loading, unloading, or *storage* incidental thereto," [emphasis added], sections 4 and 11.d. of the NFZA constitute an inconsistent ban on the transportation-related storage of certain radioactive materials.

This result is supported not only by *Jersey Central Power & Light Co.* v. *Township of Lacey*, 772 F.2d 1103 (3d Cir. 1985), *cert. denied*, 475 U.S. 1013 (1986) but also by *Consolidated Rail Corp.* v. *John Hancock*, C.A. 79-0983-MA (D. Mass. 1979), where a town order requiring a railroad to remove its railcars containing vinyl chloride from the town was held inconsistent.

In summary, the prohibition of the transportation of radioactive materials transportation is inconsistent, IR-16 and IR-20, both *supra*, and this principle applies even to radioactive materials transportation which RSPA has expected from the requirements of the HMR. IR-20, *supra*.

Therefore, sections 5.b., 6, 4 and 11.d. of the NFZA are inconsistent with the HMTA and the HMR to the extent that they constitute prohibitions upon the transportation of any radioactive materials, including the storage of such materials incidental to the transportation thereof.

Placarding Requirements

Section 5.a.iv. of the NFZA requires that each vehicle engaged in transportation of "hazardous radioactive materials" "have signs warning 'Transportation of Hazardous Radioactive Materials' clearly visible for at least 150 feet in each direction."

However, placards and other hazard warning requirements are inconsistent if they are in addition to or different from Federal placarding requirements. IR-2, IR-3, IR-24, 53 FR 19848 (May 31, 1988) all *supra; Kappelmann* v. *Delta Air Lines, Inc.*, 539 F.2d 165 (D.C. Cir. 1976), *cert. denied*, 429 U.S. 1061 (1977); *National Tank Truck Carriers, Inc.* v. *City of New York*, 677 F.2d 270 (2d Cir. 1982).

This issue was addressed in an early Inconsistency Ruling:

> Hazard warning systems are another area where [DOT] perceives the Federal role to be exclusive * * * * Additional, different requirements imposed by States or localities detract from the DOT systems and may confuse those to whom the DOT are meant to impart information.

IR-2, 44 at 75568.

Shortly thereafter both DOT and a Federal Court found a City of Boston requirement for different placards and product identification inconsistent with the HMTA and the HMR. IR-3, *supra; American Trucking Ass'ns* v. *City of Boston*, 12 Envtl. L. Rep. (Envtl. L. Inst.) 20,789 (D. Mass. 1981).

Finally, in IR-24, *supra*, a definitive statement was made on the exclusive Federal nature of placarding requirements:

> It is OHMT's view that the HMR placarding provisions do completely occupy the field and, therefore, preempt all state and local placarding and warning sign requirements for hazardous materials transportation which are not identical to the Federal requirements. This is true with respect to requirements applying solely to pickups and deliveries, as well as to requirements applying to through-traffic, because all such non-identical requirements create confusion and undermine the uniform system of hazard communication necessary for the safe transportation of hazardous materials. Transportation viewed as being a mere pickup or delivery by one jurisdiction actually may be just the beginning or end of multi-state transportation through numerous local jurisdictions.

53 FR 19848 at 19850. The Court decision in *National Paint & Coatings Ass'n Inc.* v. *City of New York*, No. CV-84-4525 (E.D. N.Y. 1985), denying summary judgment against a local placarding requirement, which was cited in the City's rebuttal comments, preceded the foregoing clear pronouncement of preemptive intent in IR-24, *supra*.

In summary, the placarding requirement of section 5.a.iv. of the NFZA is inconsistent with the HMTA and the HMR. It can only cause confusion and undermine compliance with the radioactive materials placarding requirements of 49 CFR 172.556, the related requirements of part 172, subpart F, and the prohibition in section 172.502(b) against display of "any sign or other device on a transport vehicle, portable tank, or freight container, that by its color, design, shape or content could be confused with any placard prescribed in this subpart."

Information Requirements

Sections 10.b. and d. of the NFZA contain information reporting requirements applicable, *inter alia*, to transporters and shippers of "hazardous radioactive materials."

To the extent that these sections require the submission of written accident/incident reports, they are redundant with Federal requirements (e.g., 49 CFR 171.16), tend to undercut compliance with the HMR requirements and thus are inconsistent. IR-2, IR-3, IR-3 (Appeal), all *supra*. This principle particularly applies to radioactive materials incident reporting requirements because of the possible overlap and conflict with NRC reporting requirements incorporated by reference in the HMR. IR-8, *supra*. The field of incident reporting for radioactive materials transportation has been totally occupied by the HMR. IR-8 (Appeal), *supra*.

In addition, no other information requirements may be imposed by the City as a condition for transporting radioactive materials in the City:

> DOT and NRC have determined what information and documentation requirements are needed for the safe transportation of radioactive materials, and state and local requirements going beyond them create confusion, impose burdens on transporters, are obstacles to the accomplishment of the HMTA's objectives, and thus are inconsistent.

IR-8 (Appeal), 52 FR at 13004.

Therefore, the information requirements of sections 10. b. and d. of the NFZA are inconsistent insofar as they relate to the transportation of radioactive materials, including the loading, unloading and storage incidental thereto.

Inspections

Section 5.a.iii. of the NFZA requires City monitoring of radioactive materials transport through or over Oakland and the assessment of the adequacy of safety and notice provisions relating thereto.

Hazardous materials transportation inspection requirements relating to Federal or consistent requirements are encouraged by RSPA and are consistent. IR-2, *supra*; IR-8, 49 FR 46637 (Nov. 27, 1984); IR-15, *supra*; IR-17, *supra*; IR-20,

supra; IR-27, *supra; Colorado Pub. Utilities Commission* v. *Harmon,* No. CV 88-Z-1524 (D. Colo. 1989). On the other hand, such inspection requirements relating to inconsistent provisions are themselves inconsistent. IR-20, IR-21, IR-21 (Appeal), IR-27, all *supra.*

Because none of the NFZA provisions relating to the transportation of radioactive materials is consistent with both the HMTA and the HMR, the inspection provisions of section 5.a.iii. of the NFZA are inconsistent with the HMTA and the HMR.

Fee Requirements

Section 10.c. of the NFZA provides that the City shall assess reasonable fees for the implementation of the NFZA.

Reasonable fees on hazardous materials transportation to fund consistent activities are consistent. IR-17, IR-17 (Appeal), IR-27, all *supra; New Hampshire Motor Transport Assn.* v. *Flynn, supra; Colorado Public Utilities Comm.* v. *Harmon,* No. CV 88-2-1524 (D. Colo. 1989). However, fees which are unreasonably high or related to inconsistent activities are inconsistent. IR-11, IR-13, IR-15, IR-18 (Appeal), IR-19, IR-27, all *supra; New Hampshire Motor Transport Ass'n.* v. *Flynn, supra.*

Because of the transportation provisions of the NFZA are inconsistent with the HMTA or the HMR, the fee provisions of section 10.c. of the NFZA are inconsistent insofar as they apply to the transportation of radioactive materials.

Enforcement Provisions

Hazardous materials transportation enforcement provisions are consistent insofar as they apply to violations of consistent substantive requirements. IR-3, IR-27, both *supra.* However, they are inconsistent insofar as they apply to violations of inconsistent substantive requirements. IR-18, IR-18 (Appeal), IR-27, all *supra; Jersey Central Power & Light Co.* v. *Township of Lacey,* 772 F.2d 1103 (3d Cir. 1985); *cert. denied,* 475 U.S. 1013 (1986).

Because none of the NFZA's transportation provisions is consistent, the enforcement provisions of sections 10. e., f. and g. of the NFZA are inconsistent insofar as they relate to those transportation provisions.

Summary

For the foregoing reasons and on the basis of this record, I make the following findings.

Insofar as they apply to the transportation of radioactive materials, including the loading, unloading and storage incidental to that transportation, the following provisions of the Nuclear Free Zone Act of the City of Oakland, California, are inconsistent with the HMTA and the HMR and thus preempted under section 112(a) of the HMTA (49 U.S.C. 1811(a)):

(1) The definitions of "nuclear weapon" and "hazardous radioactive material" in section 11;

(2) The prenotification requirements of section 5.a.i.;

(3) The routing requirements of section 5.a.ii. and the related City Council resolution providing for the designation of City street routes;

(4) The mode of transportation requirements of section 5.a.ii.;

(5) The placarding requirement of section 5.a.iv.;

(6) The confirmation of the ban on spent nuclear fuel through the Port of Oakland in section 5.b.;

(7) The prohibition of radioactive materials storage in section 6;

(8) The prohibition of "nuclear weapons work" in sections 4 and 11.d.;

(9) The information reporting requirements of sections 10. b. and d.;

(10) The inspection provisions of section 5.a.iii;

(11) The fee provisions of section 10.c; and

(12) The enforcement provisions of section 10. e., f., and g.

Insofar as they apply to the transportation of radioactive materials, including the loading, unloading and storage incidental to that transportation, the following provisions of the Nuclear Free Zone Act of the City of Oakland, California, are consistent with the HMTA and the HMR because they are not requirements:

(1) The statements of purpose in section 2; and

(2) The findings in section 3.

This ruling does not address the consistency of any provisions not described above. It also does not address the consistency of any provisions of the NFZA as applied to any activities other than the transportation of hazardous materials, including the loading, unloading and storage incidental to such transportation.

Any appeal of this ruling must be filed within 30 days of service in accordance with 49 CFR 107.211.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 90-5829 Filed 3-13-90; 8:45 am]

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federal register

Wednesday
March 14, 1990

Part VIII

Environmental Protection Agency

40 CFR Part 300

National Priorities List for Uncontrolled Hazardous Waste Sites; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-3745-3]

National Priorities List for Uncontrolled Hazardous Waste Sites

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency ("EPA") is amending the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR part 300, which was promulgated on July 16, 1982, pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"). CERCLA has since been amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA") and is implemented by Executive Order 12580 (52 FR 2923, January 29, 1987). CERCLA requires that the NCP include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States, and that the list be revised at least annually. The National Priorities List ("NPL"), initially promulgated as appendix B of the NCP on September 8, 1983 (48 FR 40658), constitutes this list and is being revised today by the addition of 1 site, United Heckathorn Co., Richmond, CA. Based on a review of public comments on this site, EPA has decided that it meets the eligibility requirements of the NPL and is consistent with the Agency's listing policies. Information supporting this action is contained in the appropriate Superfund Public Dockets.

This rule results in a final NPL of 1,082 sites, 93 of them in the Federal section; 136 sites are proposed to the NPL, 24 of them in the Federal section. Final and proposed sites total 1,218.

EFFECTIVE DATE: The effective date for this amendment to the NCP shall be March 14, 1990. This rule is being made effective immediately in order to preserve any claims for natural resource damages against any possible future suggestions that such claims are barred under CERCLA section 113(g). Due to the limited effect of NPL listing, no party is prejudiced by making this listing immediately effective.

ADDRESSES: Addresses for the Headquarters and appropriate Regional docket follow. For further details on what these dockets contain, see section I of the **"SUPPLEMENTARY INFORMATION"** portion of this preamble.

Beverly Whitehead, Headquarters, U.S. EPA CERCLA Docket Office, OS-245, Waterside Mall, 401 M Street SW., Washington, DC 20460, 202/382-3046.

Lisa Nelson, U.S. EPA Region 9, 1235 Mission Street, San Francisco, CA 94103, 415/744-1914.

FOR FURTHER INFORMATION CONTACT: Robert Myers, Hazardous Site Evaluation Division, Office of Emergency and Remedial Response (OS-230), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC, 20460, or the Superfund Hotline, Phone (800) 424-9346 (382-3000 in the Washington, DC, metropolitan area).

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Purpose and Implementation of the NPL
III. NPL Update Process
IV. Disposition of Sites
V. Contents of the NPL
VI. Regulatory Impact Analysis
VII. Regulatory Flexibility Act Analysis

I. Introduction

Background

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. sections 9601-9657 ("CERCLA" or the "Act"), in respone to the dangers of uncontrolled hazardous waste sites. CERCLA was amended in 1986 by the Superfund Amendments and Reauthorization Act ("SARA"), Public Law No. 99-499, stat. 1613 *et seq.* To implement CERCLA, the Environmental Protection Agency ("EPA or "the Agency") promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR part 300, on July 16, 1982 (47 FR 31180) pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP, further revised by EPA on September 16, 1985 (50 FR 37624) and November 20, 1985 (50 FR 47912), sets forth guidelines and procedures needed to respond under CERCLA to releases and threatened releases of hazardous substances, pollutants, or contaminants. On December 21, 1988 (53 FR 51394), EPA proposed revisions to the NCP in response to SARA.

Section 105(a)(8)(A) of CERCLA, as amended by SARA, requires that the NCP include "Criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extend practicable taking into account the potential urgency of such action, for the purpose of taking removal action." Removal action involves cleanup or other actions that are taken in respone to releases or threats of releases on a short-term or temporary basis (CERCLA section 101(23)). Remedial action tends to be long-term in nature and involves response actions that are consistent with a permanent remedy for a release (CERCLA section 101(24)). Criteria for determining priorities for possible remedial actions financed by the Trust Fund established under CERCLA are included in the Hazard Ranking System ("HRS"), which EPA promulgated as appendix A of the NCP (47 FR 31219, July 16, 1982).

On December 23, 1988 (53 FR 51962), EPA proposed revisions to the HRS in response to CERCLA section 105(c), added by SARA. EPA intends to issue the revised HRS as soon as possible. However, until the revised HRS is in effect, EPA will continue to use the current HRS in accordance with CERCLA section 105(c)(1) and Congressional intent, as explained in 54 FR 13299 (March 31, 1989).

Based in large part on the HRS criteria, and pursuant to section 105(a)(8)(B) of CERCLA, as amended by SARA, EPA prepared a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States (the "National Priorities List" or "NPL"). The list has been promulgated as appendix B of the NCP. A site can undergo CERCLA-financed remedial action only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.66(c)(2) and 300.68(a).

As is stated in CERCLA section 105(a)(8)(b), the NPL is a listing of "releases or threatened releases" of hazardous substances, pollutants, or contaminants. For simplicity, the discussion below may refer to these "releases or threatened releases" simply as "releases", "facilities", or "sites".

An original NPL of 406 sites was promulgated on September 8, 1983 (48 FR 40658). Pursuant to CERCLA section 105(a)(8)(B), which requires that the NPL be revised at least annually, the NPL has been updated periodically, most recently on November 21, 1989 (54 FR 48184). The Agency also has proposed adding new sites to the NPL, most recently on October 26, 1989 (54 FR 43778).

EPA may delete sites from the NPL when no further response is appropriate, as provided in the NCP at 40 CFR 300.66(c)(7). To date, the Agency has deleted 28 sites from the final NPL, most recently on September 22, 1989 (54 FR 38994), when Cecil Lindsey, Newport, Arkansas, was deleted.

This rule adds the United Heckathorn Co. site to the NPL. EPA has carefully considered public comments submitted and has made certain modifications in response to those comments. This rule results in a final NPL of 1,082 sites, 93 of them in the Federal section; 136 sites remain in proposed status, 24 of them in the Federal section. With these changes, final and proposed sites now total 1,218.

Information Available to the Public

The Headquarters and Region 9 public dockets for the NPL (see **ADDRESSES** portion of this notice) contain documents relating to the evaulation and scoring of United Heckathorn Co. The dockets are available for viewing, by appointment only, after the appearance of this notice. The hours of operation for the Headquarters docket are from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Please contact the EPA Region 9 for docket hours.

The Headquarters docket contains HRS score sheets and a Documentation Record describing the information used to compute the score; a list of documents referred in the Documentation Record; comments received; and the Agency's response to those comments. The Agency's responses are contained in the "Support Document for the Revised National Priorities List—Final Rule, March 1990."

The Region 9 docket includes all information available in the Headquarters docket as well as the actual reference documents, which contain the data principally relied upon by EPA in calculating or evaluating the HRS scores for United Heckathorn Co. These reference documents are available only in Region 9, and may be viewed, by appointment only. An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of any of these documents.

II. Purpose and Implementation of the NPL

Purpose

The primary purpose of the NPL is stated in the legislative history of CERCLA (Report of the Senate Committee on Environment and Public Works, Senate Rep. No. 96–848, 96th Cong., 2d Sess. 60 (1980)):

> The priority lists serve primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the list does not in itself reflect a judgment of the activities of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government action in the form of remedial actions or enforcement actions will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards.

The purpose of the NPL, therefore, is primarily to serve as an informational and management tool. The initial identification of a site for the NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of the public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. The NPL also serves to notify the public of sites EPA believes warrant further investigation.

Implementation

A site may undergo remedial action financed by the Trust Fund established under CERCLA ("Superfund") only after it is placed on the final NPL as outlined in the NCP at 40 CFR 300.66(c)(2) and 300.68(a). However, EPA may take enforcement actions under CERCLA or other applicable statutes against responsible parties regardless of whether the site is on the NPL, although, as a practical matter, the focus of EPA's enforcement actions has been and will continue to be on NPL sites. Similarly, in the case of removal actions, EPA has the authority to act at any site, whether listed or not, that meets the criteria of the NCP at 40 CFR 300.65–67.

EPA's policy is to pursue cleanup of NPL sites using the appropriate response and/or enforcement actions available to the Agency, including authorities other than CERCLA. Listing a site will serve as notice to any potentially responsible party that the Agency may initiate CERCLA-financed remedial action. The Agency will decide on a site-by-site basis whether to take enforcement or other action under CERCLA or other authorities, proceed directly with CERCLA-financed response actions and seek to recover response costs after cleanup, or do both. To the extent feasible, once sites are on the NPL, EPA will determine high-priority candidates for Superfund-financed response action and/or enforcement action through both State and Federal initiatives. These determinations will take into account which approach is more likely to most expeditiously accomplish cleanup of the site while using CERCLA's limited resources as efficiently as possible.

Remedial response actions will not necessarily be funded in the same order as a site's ranking on the NPL—that is, its HRS score. The information collected to develop HRS scores is not sufficient in itself to determine either the extent of contamination or the appropriate response for a particular site. EPA relies on further, more detailed studies in the remedial investigation/feasibility study (RI/FS) to address these concerns.

The RI/FS determines the nature and extent of the threat posed by the release or threatened release. It also takes into account the amount of contaminants in the environment, the risk to affected populations and environment, the cost to correct problems at the site, and the response actions that have been taken by potentially responsible parties or others. Decisions on the type and extent of action, if any, to be taken at these sites are made in accordance with the criteria contained in subpart F of the NCP. After conducting these additional studies, EPA may conclude that it is not desirable to initiate a CERCLA remedial action at some sites on the NPL because of more pressing needs at other sites, or because a private party cleanup is already underway pursuant to an enforcement action. Given the limited resources available in the Trust Fund, the Agency must carefully balance the relative needs for response at the numerous sites it has studied. It is also possible that EPA will conclude after further analysis that the site does not warrant remedial action.

RI/FS at Proposed Sites. An RI/FS may be performed at proposed sites (or even non-NPL sites) pursuant to the Agency's removal authority under CERCLA, as outlined in the NCP at 40 CFR 300.68(a)(1). Section 101(23) of CERCLA defines "remove" or "removal" to include "such actions as may be necessary to monitor, assess and evaluate the release or threat of release * * *." The definition of "removal" also includes "action taken under section 104(b) of this Act * * *," which authorizes the Agency to perform studies, investigations, and other information-gathering activities.

Although an RI/FS generally is conducted at a site after the site has been placed on the NPL, in a number of circumstances the Agency elects to conduct an RI/FS at a proposed NPL site in preparation for a possible CERCLA-financed remedial action, such as when the Agency believes that a delay may create unnecessary risks to human health or the environment. In addition, the Agency may conduct an RI/FS to assist in determining whether to conduct a removal or enforcement action at a site.

Facility (Site) Boundaries. The Agency's position is that the NPL does not describe releases in precise geographical terms, and that it would be neither feasible nor consistent with the

limited purpose of the NPL (as the mere identification of releases), for it to do so.

CERCLA section 105(a)(8)(B) directs EPA to list national priorities among the known "releases or threatened releases" of hazardous substances. Thus, the purpose of the NPL is merely to identify releases of hazardous substances that are priorities for further evaluation. Although a CERCLA "facility" is broadly defined to include any area where a hazardous substance release has "come to be located" (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases.[1] Of course, HRS data upon which the NPL placement was based will, to some extent, describe which release is at issue; that is, the NPL site would include all releases evaluated as part of that HRS analysis (including noncontiguous releases evaluated under the NPL aggregation policy, *see* 48 FR 40663 (September 8, 1983)).

EPA regulations do provide that the "nature and extent of the threat presented by a release" will be determined by an RI/FS as more information is developed on site contamination (40 CFR 300.68(d)). During the RI/FS process, the release may be found to be larger or smaller than was originally known, as more is learned about the source and the migration of the contamination. However, this inquiry focuses on an evaluation of the *threat* posed; the boundaries of the release need not be defined, and in any event are independent of the NPL listing. Moreover, it generally is impossible to discover the full extent of where the contamination "has come to be located" before all necessary studies *and* remedial work are completed at a site; indeed, the boundaries of the contamination can be expected to change over time. Thus, in most cases, it will be impossible to describe the boundaries of a release with certainty.

For these reasons, the NPL need not be amended if further research into the extent of the contamination expands the apparent boundaries of the release. Further, the NPL is only of limited significance, as it does not assign liability to any party or to the owner of any specific property. *See* Report of the Senate Committee on Environment and Public Works, Senate Rep. No. 96–848, 96th Cong., 2d Sess. 60 (1980), quoted at 48 FR 40659 (September 8, 1983). If a party contests liability for releases on discrete parcels of property, it may do so if and when the Agency brings an action against that party to recover costs or to compel a response action at that property.

At the same time, however, the RI/FS or the Record of Decision (which defines the remedy selected) may offer a useful indication to the public of the areas of contamination at which the Agency is considering taking a response action, *based on information known at that time.* For example, EPA may evaluate (and list) a release over a 400-acre area, but the Record of Decision may select a remedy over 100 acres only. This information may be useful to a landowner seeking to sell the other 300 acres, but it would result in no formal change in the fact that a release is included on the NPL. The landowner (and the public) also should note in such a case that if further study (or the remedial construction itself) reveals that the contamination is located on or has spread to other areas, the Agency may address those areas as well.

This view of the NPL as an initial identification of a release that is not subject to constant re-evaluation is consistent with the Agency's policy of not rescoring NPL sites:

> EPA recognizes that the NPL process cannot be perfect, and it is possible that errors exist or that new data will alter previous assumptions. Once the initial scoring effort is complete, however, the focus of EPA activity must be on investigating sites in detail and determining the appropriate response. New data or errors can be considered in that process. . . [T]he NPL serves as a guide to EPA and does not determine liability or the need for response.

(49 FR 37081 (September 21, 1984)).[2]

III. NPL Update Process

There are three mechanisms for placing sites on the NPL. The principal mechanism, and the one used in evaluating United Heckathorn Co., is the application of the HRS. The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to cause human health or safety problems, or ecological or environmental damage. The HRS score is calculated by estimating risks presented in three potential "pathways" of human or environmental exposure: ground water, surface water, and air. Within each pathway of exposure, the HRS considers three categories of factors "that are designed to encompass most aspects of the likelihood of exposure to a hazardous substance through a release and the magnitude or degree of harm from such exposure": (1) Factors that indicate the presence or likelihood of a release to the environment; (2) factors that indicate the nature and quantity of the substances presenting the potential threat; and (3) factors that indicate the human or environmental "targets" potentially at risk from the site. Factors within each of these three categories are assigned a numerical value according to a set scale. Once numerical values are computed for each factor, the HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various factors to arrive at a final site score on a scale of 0 to 100. The resultant HRS score represents an estimate of the relative "probability and magnitude of harm to the human population or sensitive environment from exposure to hazardous substances as a result of the contamination of ground water, surface water, or air" (47 FR 31180, July 16, 1982). Those sites that score 28.50 or greater on the HRS are eligible for the NPL.

The other two mechanisms for adding sites to the NPL are described in previous preambles updating the NPL, most recently EPA's February 21, 1990 final rule (55 FR 6154).

IV. Disposition of Sites

This final rule promulgates a site proposed in Update #10 (54 FR 43778, October 26, 1989):

Group	Rank	St	Site name	City/ county
11	502	CA	United Heckathorn Co.	Richmond.

EPA has reviewed the comments received on the site, including a late comment received February 6, 1990, and has revised the score accordingly. EPA's responses to the comments are included in "Support Document for the Revised National Priorities List—Final Rule, March 1990", available with this rule in the Headquarters and Region 9 Superfund dockets. Today's rule results in a total of 112 non-Federal sites and 24

[1] Although CERCLA section 101(9) sets out the definition of "facility" and not "release," those terms are often used interchangeably. (See CERCLA section 105(a)(8)(B), which defines the NPL as a list of "releases" as well as of the highest priority "facilities.") (For ease of reference, EPA also uses the term "site" interchangeably with "release" and "facility.")

[2] See also *City of Stoughton, Wisc.* v. *U.S. EPA*, 858 F. 2d 747, 751 (D.C. Cir. 1988):

> Certainly EPA could have permitted further comment or conducted further testing [on proposed NPL sites]. Either course would have consumed further assets of the Agency and would have delayed a determination of the risk priority associated with the site. Yet * * * "the NPL is simply a rough list of priorities, assembled quickly and inexpensively to comply with Congress' mandate for the Agency to take action straightaway." *Eagle-Picher [Industries* v. *EPA] II*, 759 F. 2d [921,] at 932 [(D.C. Cir. 1985)].

Federal facility sites that continue to be proposed pending completion of response to comment, resolution of technical issues and resolution of various policy issues (Table 1). All sites that remain proposed will be considered for future final rules. Although these sites remain proposed, the comment periods have not been extended or reopened.

TABLE 1.—NPL PROPOSALS

Update No.	Date/ Federal Register citation	Number of sites/Federal facility sites	
		Proposed	Remaining proposed
1	9/8/83 48 FR 40674	132/1	1/0
2	10/15/84 49 FR 40320	208/36	16/3
3	4/10/85 50 FR 14115	26/6	0/0
4	9/18/85 50 FR 37950	38/3	0/0
5	6/10/86 51 FR 21099	43/2	4/0
6	1/22/87 52 FR 2492	63/1	7/0
7	6/24/88 53 FR 23988	215/14	57/2
8	5/5/89 54 FR 19526	10/0	5/0
9	7/14/89 54 FR 29820	0/52	0/17
10	10/26/89 54 FR 43778	23/2	22/2
ATSDR	8/16/89 54 FR 33846	2/0	0/0
Total		760/117	112/24

V. Contents of the NPL

The 1 new site added to the NPL in today's rule (Table 1) has been incorporated into the NPL in order of its HRS score, although EPA modified the order to reflect top priorities designated by the States, as discussed in greater detail in previous rulemakings, the most recent on March 31, 1989 (54 FR 13296).

The NPL appears at the end of this final rule and will be codified as part of appendix B to the NCP. Sites on the NPL are arranged according to their scores on the HRS. The NPL is presented in groups of 50 sites to emphasize that minor differences in HRS scores do not necessarily represent significantly different levels of risks. Except for the first group, the score range within the groups, as indicated in the list, is less than 4 points. EPA considers the sites within a group to have approximately the same priority for response actions. For convenience, the sites are numbered. For further information, see, most recently, 55 FR 6154 (February 21, 1990).

VI. Regulatory Impact Analysis

The costs of cleanup actions that may be taken at sites are not directly attributable to placement on the NPL, as explained below. Therefore, the Agency has determined that this rulemaking is not a "major" regulation under Executive Order 12291. EPA has conducted a preliminary analysis of economic implications of today's amendment to the NCP. EPA believes that the kinds of economic effects associated with this revision generally are similar to those effects identified in the regulatory impact analysis (RIA) prepared in 1982 for the revisions to the NCP pursuant to section 105 of CERCLA and the economic analysis prepared when amendments to the NCP were proposed (50 FR 5882, February 12, 1985). The Agency believes the anticipated economic effects related to adding 1 site to the NPL can be characterized in terms of the conclusions of the earlier RIA and the most recent economic analysis. This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Costs

EPA has determined that this rulemaking is not a "major" regulation under Executive Order 12291 because inclusion of a site on the NPL does not itself impose any costs. It does not establish that EPA necessarily will undertake remedial action, nor does it require any action by a private party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Nonetheless, it is useful to consider the costs associated with responding to the site included in this rulemaking.

The major events that follow the proposed listing of a site on the NPL are a search for potentially responsible parties and a remedial investigation/ feasibility study (RI/FS) to determine if remedial actions will be undertaken at a site. Design and construction of the selected remedial alternative follow completion of the RI/FS, and operation and maintenance (O&M) activities may continue after construction has been completed.

EPA initially bears costs associated with responsible party searches. Responsible parties may bear some or all the costs of the RI/FS, remedial design and construction, and O&M, or EPA and the States may share costs.

The State cost share for site cleanup activities has been amended by section 104 of SARA. For privately-owned sites, as well as at publicly-owned but not publicly-operated sites, EPA will pay for 100% of the costs of the RI/FS and remedial planning, and 90% of the costs associated with remedial action. The State will be responsible for 10% of the remedial action. For publicly-operated sites, the State cost share is at least 50% of all response costs at the site, including the RI/FS and remedial design and construction of the remedial action selected. After the remedy is built, costs fall into two categories:

- For restoration of ground water and surface water, EPA will share in startup costs according to the criteria in the previous paragraph for 10 years or until a sufficient level of protectiveness is achieved before the end of 10 years.
- For other cleanups, EPA will share for up to 1 year the cost of that portion of response needed to assure that a remedy is operational and functional. After that, the State assumes full responsibilities for O&M.

In previous NPL rulemakings, the Agency estimated the costs associated with these activities (RI/FS, remedial design, remedial action, and O&M) on an average per site and total cost basis. EPA will continue with this approach, using the most recent (1988) cost estimates available; the estimates are presented below. However, there is wide variation in costs for individual sites, depending on the amount, type, and extent of contamination. Additionally, EPA is unable to predict what portions of the total costs responsible parties will bear, since the distribution of costs depends on the extent of voluntary and negotiated response and the success of any cost-recovery actions.

Cost category	Average total cost per site [1]
RI/FS	1,300,000
Remedial design	1,500,000
Remedial Action	[2] 25,000,000
Net present value of O&M [3]	[2] 3,770,000

[1] 1988 U.S. Dollars.
[2] Includes State cost-share.
[3] Assumes cost of O&M over 30 years, $400,000 for the first year and 10% discount rate.
Source: Office of Program Management, Office of Emergency and Remedial Response, U.S. EPA.

Costs to the State of California associated with today's final rule arise

from the required State cost-share of: (1) 10% of remedial actions and 10% of first-year O&M costs at privately-owned sites and sites that are publicly-owned but not publicly-operated; and (2) at least 50% of the remedial planning (RI/FS and remedial design), remedial action, and first-year O&M costs at publicly-operated sites. States will assume the cost for O&M after EPA's period of participation. Using the budget projections presented above, the cost to California of undertaking Federal remedial planning and actions, but excluding O&M costs, would be approximately $2.78 million. State O&M costs cannot be accurately determined because EPA, as noted above, will share O&M costs for up to 10 years for restoration of ground water and surface water, and it is not known if the United Heckathorn Co. site will require this treatment and for how long. Assuming EPA involvement for 10 years is needed, State O&M costs would be approximately $2.3 million.

Placing a hazardous waste site on the final NPL does not itself cause firms responsible for the site to bear costs. Nonetheless, a listing may induce firms to clean up the sites voluntarily, or it may act as a potential trigger for subsequent enforcement or cost-recovery actions. Such actions may impose costs on firms, but the decisions to take such actions are discretionary and made on a case-by-case basis. Consequently, precise estimates of these effects cannot be made. EPA does not believe that every site will be cleaned up by a responsible party. EPA cannot project at this time which firms or industry sectors will bear specific portions of the response costs, but the Agency considers: the volume and nature of the waste at the sites; the strength of the evidence linking the wastes at the site to the parties; the parties' ability to pay; and other factors when deciding whether and how to proceed against the parties.

Economy-wide effects of this amendment to the NCP are aggregations of efforts on firms and State and local governments. Although effects could be felt by some individual firms and States, the total impact of this amendment on output, prices, and employment is expected to be negligible at the national level, as was the case in the 1982 RIA.

Benefits

The real benefits associated with today's amendment are increased health and environmental protection as a result of increased public awareness of potential hazards. In addition to the potential for more Federally-financed remedial actions, expansion of the NPL could accelerate privately-financed, voluntary cleanup efforts. Listing sites as national priority targets also may give States increased support for funding responses at particular sites.

As a result of the additional CERCLA remedies, there will be lower human exposure to high-risk chemicals, and higher-quality surface water, ground water, soil, and air. These benefits are expected to be significant, although difficult to estimate in advance of completing the RI/FS at these sites.

VII. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small government jurisdictions, and nonprofit organizations.

While modifications to the NPL are considered revisions to the NCP, they are not typical regulatory changes since the revisions do not automatically impose costs. The placing of sites on the NPL does not in itself require any action of any private party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, it is hard to predict impacts on any group. Placing a site on the NPL could increase the likelihood that adverse impacts to responsible parties (in the form of cleanup costs) will occur, but EPA cannot identify the potentially affected business at this time nor estimate the number of small businesses that might be affected.

The Agency does expect that certain industries and firms within industries that have caused a proportionately high percentage of waste site problems could be significantly affected by CERCLA actions. However, EPA does not expect the impacts from the listing of this site to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would occur only through enforcement and cost-recovery actions, which are taken at EPA's discretion on a site-by-site basis. EPA considers many factors when determining that enforcement actions to take, including not only the firm's contribution to the problem, but also the firm's ability to pay.

The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: March 9, 1990.

Mary A. Gade,

Deputy Assistant Administrator, Office of Solid Waste and Emergency Response.

PART 300—[AMENDED]

40 CFR part 300 is amended as follows:

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9605; 42 U.S.C. 9620; 33 U.S.C. 1321(c)(2); E.O. 11735 (38 FR 21243); E.O. 12580 (52 FR 2923).

2. Appendix B of part 300 is revised to read as set forth below.

Note: 1. A determination as to the contract history of any DoD contractor with contracts in excess of $25,000 annually can be made through a review of the Individual Procurement Action Report (DD Form 350) System as prescribed by 48 CFR subpart 4.6 of the DoD FAR Supplement (reference (b)), DoD Instruction 4105.61 (reference (c)), and DoD 4105.61M (reference (d)).

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Appendix B-National Priorities List

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 1 (HRS Scores 75.60 - 58.54)	
1	02	NJ	Lipari Landfill	Pitman
2	03	DE	Tybouts Corner Landfill *	New Castle County
3	03	PA	Bruin Lagoon	Bruin Borough
4	02	NJ	Helen Kramer Landfill	Mantua Township
5	01	MA	Industri-Plex	Woburn
6	02	NJ	Price Landfill *	Pleasantville
7	02	NY	Pollution Abatement Services *	Oswego
8	07	IA	LaBounty Site	Charles City
9	03	DE	Army Creek Landfill	New Castle County
10	02	NJ	CPS/Madison Industries	Old Bridge Township
11	01	MA	Nyanza Chemical Waste Dump	Ashland
12	02	NJ	GEMS Landfill	Gloucester Township
13	05	MI	Berlin & Farro	Swartz Creek
14	01	MA	Baird & McGuire	Holbrook
15	02	NJ	Lone Pine Landfill	Freehold Township
16	01	NH	Somersworth Sanitary Landfill	Somersworth
17	05	MN	FMC Corp. (Fridley Plant)	Fridley
18	06	AR	Vertac, Inc.	Jacksonville
19	01	NH	Keefe Environmental Services	Epping
20	08	MT	Silver Bow Creek/Butte Area	Sil Bow/Deer Lodge
21	08	SD	Whitewood Creek *	Whitewood
22	06	TX	French, Ltd.	Crosby
23	05	MI	Liquid Disposal, Inc.	Utica
24	01	NH	Sylvester *	Nashua
25	03	PA	Tysons Dump	Upper Merion Twp
26	03	PA	McAdoo Associates *	McAdoo Borough
27	06	TX	Motco, Inc. *	La Marque
28	05	OH	Arcanum Iron & Metal	Darke County
29	08	MT	East Helena Site	East Helena
30	06	TX	Sikes Disposal Pits	Crosby
31	04	AL	Triana/Tennessee River	Limestone/Morgan
32	09	CA	Stringfellow *	Glen Avon Heights
33	01	ME	McKin Co.	Gray
34	06	TX	Crystal Chemical Co.	Houston
35	02	NJ	Bridgeport Rental & Oil Services	Bridgeport
36	08	CO	Sand Creek Industrial	Commerce City
37	06	TX	Geneva Industries/Fuhrmann Energy	Houston
38	01	MA	W.R. Grace & Co Inc (Acton Plant)	Acton
39	05	MN	Reilly Tar (St. Louis Park Plant) *	St. Louis Park
40	05	MN	New Brighton/Arden Hills	New Brighton
41	04	FL	Schuylkill Metals Corp.	Plant City
42	02	NJ	Vineland Chemical Co., Inc.	Vineland
43	02	NJ	Burnt Fly Bog	Marlboro Township
44	03	PA	Publicker Industries Inc.	Philadephia
45	02	NY	Old Bethpage Landfill	Oyster Bay
46	02	NJ	Shieldalloy Corp.	Newfield Borough
47	04	FL	Reeves Southeast Galvanizing Corp	Tampa
48	08	MT	Anaconda Co. Smelter	Anaconda
49	10	WA	Western Processing Co., Inc.	Kent
50	05	WI	Omega Hills North Landfill	Germantown

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 2 (HRS Scores 58.41 - 56.16, except for State top priority sites)	
51	04	FL	American Creosote (Pensacola Plt)	Pensacola
52	02	NJ	Caldwell Trucking Co.	Fairfield
53	02	NY	GE Moreau	South Glen Falls
54	06	OK	Tar Creek (Ottawa County)	Ottawa County
55	07	KS	Cherokee County	Cherokee County
56	05	IN	Seymour Recycling Corp. *	Seymour
57	05	OH	United Scrap Lead Co., Inc.	Troy
58	04	FL	Peak Oil Co./Bay Drum Co.	Tampa
59	02	NJ	Brick Township Landfill	Brick Township
60	02	NJ	Brook Industrial Park	Bound Brook
61	05	MI	American Anodco, Inc.	Ionia
62	10	WA	Frontier Hard Chrome, Inc.	Vancouver
63	05	WI	Janesville Old Landfill	Janesville
64	05	MI	Northernaire Plating	Cadillac
65	04	SC	Kalama Specialty Chemicals	Beaufort
66	04	SC	Independent Nail Co.	Beaufort
67	05	WI	Janesville Ash Beds	Janesville
68	04	FL	Davie Landfill	Davie
69	05	OH	Miami County Incinerator	Troy
70	10	WA	ALCOA (Vancouver Smelter)	Vancouver
71	04	FL	Gold Coast Oil Corp.	Miami
72	10	WA	General Electric(Spokane Shop)	Spokane
73	09	AZ	Tucson International Airport Area	Tucson
74	05	IN	International Minerals (E. Plant)	Terre Haute
75	05	WI	Wheeler Pit	La Prairie Township
76	09	CA	Operating Industries, Inc. Lndfll	Monterey Park
77	02	NY	Wide Beach Development	Brant
78	09	CA	Iron Mountain Mine	Redding
79	05	MI	Gratiot County Landfill *	St. Louis
80	01	RI	Picillo Farm *	Coventry
81	01	MA	New Bedford Site *	New Bedford
82	06	LA	Old Inger Oil Refinery *	Darrow
83	05	OH	Chem-Dyne *	Hamilton
84	04	SC	SCRDI Bluff Road *	Columbia
85	01	CT	Laurel Park, Inc. *	Naugatuck Borough
86	08	CO	Marshall Landfill *	Boulder County
87	05	IL	Outboard Marine Corp. *	Waukegan
88	06	NM	South Valley *	Albuquerque
89	01	VT	Pine Street Canal *	Burlington
90	03	WV	West Virginia Ordnance *	Point Pleasant
91	07	MO	Ellisville Site *	Ellisville
92	08	ND	Arsenic Trioxide Site *	Southeastern ND
93	07	IA	Aidex Corp. *	Council Bluffs
94	05	WI	N.W. Mauthe Co., Inc. *	Appleton
95	04	TN	North Hollywood Dump *	Memphis
96	04	KY	A.L. Taylor (Valley of Drums) *	Brooks
97	09	GU	Ordot Landfill *	Guam
98	04	MS	Flowood Site *	Flowood
99	08	UT	Rose Park Sludge Pit *	Salt Lake City
100	07	KS	Arkansas City Dump *	Arkansas City

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 3 (HRS Scores 55.97 - 52.29)	
101	02	NJ	Scientific Chemical Processing	Carlstadt
102	08	CO	California Gulch	Leadville
103	02	NJ	D'Imperio Property	Hamilton Township
104	05	MN	Oakdale Dump	Oakdale
105	05	IL	Parsons Casket Hardware Co.	Belvidere
106	05	IL	A & F Material Reclaiming, Inc.	Greenup
107	03	PA	Douglassville Disposal	Douglassville
108	05	MN	Koppers Coke	St. Paul
109	01	MA	Plymouth Harbor/Cannon Eng. Corp.	Plymouth
110	10	ID	Bunker Hill Mining & Metallurg	Smelterville
111	02	NY	Hudson River PCBs	Hudson River
112	02	NJ	Universal Oil Products(Chem Div)	East Rutherford
113	09	CA	Aerojet General Corp.	Rancho Cordova
114	10	WA	Com Bay, South Tacoma Channel	Tacoma
115	03	PA	Osborne Landfill	Grove City
116	08	UT	Portland Cement (Kiln Dust 2 & 3)	Salt Lake City
117	01	CT	Old Southington Landfill	Southington
118	02	NY	Syosset Landfill	Oyster Bay
119	02	NY	Circuitron Corp.	East Farmingdale
120	09	AZ	Nineteenth Avenue Landfill	Phoenix
121	10	OR	Teledyne Wah Chang	Albany
122	10	WA	Midway Landfill	Kent
123	02	NY	Sinclair Refinery	Wellsville
124	04	AL	Mowbray Engineering Co.	Greenville
125	05	MI	Spiegelberg Landfill	Green Oak Township
126	04	FL	Miami Drum Services	Miami
127	02	NJ	Reich Farms	Pleasant Plains
128	10	ID	Union Pacific Railroad Co.	Pocatello
129	02	NJ	South Brunswick Landfill	South Brunswick
130	03	PA	Raymark	Hatboro
131	04	AL	Ciba-Geigy Corp. (McIntosh Plant)	McIntosh
132	04	FL	Kassauf-Kimerling Battery	Tampa
133	05	IL	Wauconda Sand & Gravel	Wauconda
134	05	MI	Bofors Nobel, Inc.	Muskegon
135	06	TX	Bailey Waste Disposal	Bridge City
136	01	NH	Ottati & Goss/Kingston Steel Drum	Kingston
137	05	MI	Ott/Story/Cordova Chemical Co.	Dalton Township
138	05	MI	Thermo-Chem, Inc.	Muskegon
139	09	CA	Brown & Bryant, Inc.(Arvin Plant)	Arvin
140	03	VA	Greenwood Chemical Co.	Newtown
141	02	NJ	NL Industries	Pedricktown
142	05	MN	St. Regis Paper Co.	Cass Lake
143	04	KY	Brantley Landfill	Island
144	04	NC	Aberdeen Pesticide Dumps	Aberdeen
145	01	VT	Burgess Brothers Landfill	Woodford
146	02	NJ	Ringwood Mines/Landfill	Ringwood Borough
147	04	FL	Whitehouse Oil Pits	Whitehouse
148	04	GA	Hercules 009 Landfill	Brunswick
149	02	NY	Jones Sanitation	Hyde Park
150	01	VT	Parker Sanitary Landfill	Lyndon

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 4 (HRS Scores 52.29 - 49.33)	
151	05	MI	Velsicol Chemical (Michigan)	St. Louis
152	05	OH	Summit National	Deerfield Township
153	02	NY	Love Canal	Niagara Falls
154	03	DE	Coker's Sanitation Service Lndfls	Kent County
155	05	MI	Rockwell International (Allegan)	Allegan
156	05	MN	Pine Bend Sanitary Landfill	Dakota County
157	07	IA	Lawrence Todtz Farm	Camanche
158	05	IN	Fisher-Calo	LaPorte
159	04	FL	Pioneer Sand Co.	Warrington
160	05	MI	Springfield Township Dump	Davisburg
161	03	PA	Hranica Landfill	Buffalo Township
162	04	NC	Martin-Marietta, Sodyeco, Inc.	Charlotte
163	03	DE	E.I. Du Pont (Newport Plant Lf)	Newport
164	03	PA	Hellertown Manufacturing Co.	Hellertown
165	04	FL	Zellwood Ground Water Contamin	Zellwood
166	05	MI	Packaging Corp. of America	Filer City
167	05	WI	Muskego Sanitary Landfill	Muskego
168	10	ID	Kerr-McGee Chemical(Soda Springs)	Soda Springs
169	02	NY	Hooker (S Area)	Niagara Falls
170	03	PA	Lindane Dump	Harrison Township
171	08	CO	Central City-Clear Creek	Idaho Springs
172	02	NJ	Ventron/Velsicol	Wood Ridge Borough
173	04	FL	Taylor Road Landfill	Seffner
174	01	RI	Western Sand & Gravel	Burrillville
175	02	NY	Rosen Brothers Scrap Yard/Dump	Cortland
176	04	SC	Koppers Co Inc (Florence Plant)	Florence
177	02	NJ	Maywood Chemical Co.	Maywood/Rochelle Pk
178	02	NJ	Nascolite Corp.	Millville
179	05	OH	Industrial Excess Landfill	Uniontown
180	06	OK	Hardage/Criner	Criner
181	05	MI	Rose Township Dump	Rose Township
182	05	MN	Waste Disposal Engineering	Andover
183	02	NY	Liberty Industrial Finishing	Farmingdale
184	02	NJ	Kin-Buc Landfill	Edison Township
185	05	IN	Waste, Inc., Landfill	Michigan City
186	05	OH	Bowers Landfill	Circleville
187	06	TX	Brio Refining, Inc.	Friendswood
188	02	NJ	Ciba-Geigy Corp.	Toms River
189	05	MI	Butterworth #2 Landfill	Grand Rapids
190	02	NJ	American Cyanamid Co.	Bound Brook
191	03	PA	Heleva Landfill	North Whitehall Twp
192	02	NJ	Ewan Property	Shamong Township
193	02	NY	Batavia Landfill	Batavia
194	05	IL	Woodstock Municipal Landfill	Woodstock
195	05	MN	Boise Cascade/Onan/Medtronics	Fridley
196	01	RI	Landfill & Resource Recovery	North Smithfield
197	05	MI	Hi-Mill Manufacturing Co.	Highland
198	03	PA	Butler Mine Tunnel	Pittston
199	04	FL	Northwest 58th Street Landfill	Hialeah
200	02	NJ	Delilah Road	Egg Harbor Township

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 5 (HRS Scores 49.31 - 47.10)	
201	03	PA	Mill Creek Dump	Erie
202	02	NJ	Glen Ridge Radium Site	Glen Ridge
203	02	NJ	Montclair/West Orange Radium Site	Montclair/W Orange
204	01	CT	Precision Plating Corp.	Vernon
205	04	FL	Sixty-Second Street Dump	Tampa
206	05	MI	G&H Landfill	Utica
207	01	VT	Bennington Municipal Sanitary Lfl	Bennington
208	04	NC	Celanese(Shelby Fiber Operations)	Shelby
209	02	NJ	Metaltec/Aerosystems	Franklin Borough
210	05	WI	Schmalz Dump	Harrison
211	04	TN	Carrier Air Conditioning Co.	Collierville
212	05	MI	Motor Wheel, Inc.	Lansing
213	09	CA	Southern Calif Edison (Visalia)	Visalia
214	02	NJ	Lang Property	Pemberton Township
215	06	TX	Stewco, Inc.	Waskom
216	02	NJ	Sharkey Landfill	Parsippany/Troy Hls
217	09	CA	Selma Treating Co.	Selma
218	06	LA	Cleve Reber	Sorrento
219	05	IL	Velsicol Chemical (Illinois)	Marshall
220	07	MO	Wheeling Disposal Service Co. Lf	Amazonia
221	05	MI	Tar Lake	Mancelona Township
222	02	NY	Johnstown City Landfill	Town of Johnstown
223	04	NC	NC State U (Lot 86, Farm Unit #1)	Raleigh
224	08	CO	Lowry Landfill	Arapahoe County
225	05	MN	MacGillis & Gibbs/Bell Lumber	New Brighton
226	03	PA	Hunterstown Road	Straban Township
227	03	MD	Woodlawn County Landfill	Woodlawn
228	05	WI	Hechimovich Sanitary Landfill	Williamstown
229	07	IA	Mid-America Tanning Co.	Sergeant Bluff
230	07	NE	Lindsay Manufacturing Co.	Lindsay
231	02	NJ	Combe Fill North Landfill	Mount Olive Twp
232	01	MA	Re-Solve, Inc.	Dartmouth
233	02	NJ	Goose Farm	Plumstead Township
234	04	TN	Velsicol Chem (Hardeman County)	Toone
235	02	NY	York Oil Co.	Moira
236	04	FL	Sapp Battery Salvage	Cottondale
237	04	SC	Wamchem, Inc.	Burton
238	02	NJ	Chemical Leaman Tank Lines, Inc.	Bridgeport
239	05	WI	Master Disposal Service Landfill	Brookfield
240	07	KS	Doepke Disposal (Holliday)	Johnson County
241	02	NJ	Florence Land Recontouring Lndfll	Florence Township
242	01	RI	Davis Liquid Waste	Smithfield
243	01	MA	Charles-George Reclamation Lndfll	Tyngsborough
244	02	NJ	King of Prussia	Winslow Township
245	03	VA	Chisman Creek	York County
246	05	OH	Nease Chemical	Salem
247	08	CO	Eagle Mine	Minturn/Redcliff
248	02	NJ	Chemical Control	Elizabeth
249	04	NC	Charles Macon Lagoon & Drum Stor	Cordova
250	04	SC	Leonard Chemical Co., Inc.	Rock Hill

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 6 (HRS Scores 47.05 - 45.22)	
251	05	OH	Allied Chemical & Ironton Coke	Ironton
252	05	MI	Verona Well Field	Battle Creek
253	07	MO	Lee Chemical	Liberty
254	01	CT	Beacon Heights Landfill	Beacon Falls
255	04	AL	Stauffer Chem (Cold Creek Plant)	Bucks
256	05	MN	Burlington Northern (Brainerd)	Brainerd/Baxter
257	05	MI	Torch Lake	Houghton County
258	01	RI	Central Landfill	Johnston
259	03	PA	Malvern TCE	Malvern
260	02	NY	Facet Enterprises, Inc.	Elmira
261	03	DE	Delaware Sand & Gravel Landfill	New Castle County
262	03	PA	Tonolli Corp.	Nesquehoning
263	04	NC	National Starch & Chemical Corp.	Salisbury
264	03	PA	MW Manufacturing	Valley Township
265	03	VA	C & R Battery Co., Inc.	Chesterfield County
266	04	TN	Murray-Ohio Dump	Lawrenceburg
267	05	IN	Envirochem Corp.	Zionsville
268	05	IN	MIDCO I	Gary
269	05	OH	Ormet Corp.	Hannibal
270	05	OH	South Point Plant	South Point
271	01	CT	Gallup's Quarry	Plainfield
272	03	PA	Whitmoyer Laboratories	Jackson Township
273	04	FL	Coleman-Evans Wood Preserving Co.	Whitehouse
274	02	NJ	Dayco Corp./L.E Carpenter Co.	Wharton Borough
275	03	PA	Shriver's Corner	Straban Township
276	03	PA	Dorney Road Landfill	Upper Macungie Twp
277	03	PA	Berks Landfill	Spring Township
278	05	IN	Northside Sanitary Landfill, Inc	Zionsville
279	05	IL	Interstate Pollution Control, Inc	Rockford
280	06	OK	Oklahoma Refining Co.	Cyril
281	09	CA	Pacific Coast Pipe Lines	Fillmore
282	02	NJ	Global Sanitary Landfill	Old Bridge Township
283	04	FL	Florida Steel Corp.	Indiantown
284	03	PA	Occidental Chem/Firestone Tire	Lower Pottsgrove Twp
285	03	VA	Culpeper Wood Preservers, Inc.	Culpeper
286	05	IL	Pagel's Pit	Rockford
287	05	MN	University Minn Rosemount Res Cen	Rosemount
288	05	MN	Freeway Sanitary Landfill	Burnsville
289	05	WI	Tomah Municipal Sanitary Landfill	Tomah
290	09	AZ	Litchfield Airport Area	Goodyear/Avondale
291	09	CA	Firestone Tire (Salinas Plant)	Salinas
292	02	NJ	Spence Farm	Plumstead Township
293	06	AR	Mid-South Wood Products	Mena
294	04	MS	Newsom Brothers/Old Reichhold	Columbia
295	09	CA	Atlas Asbestos Mine	Fresno County
296	09	CA	Coalinga Asbestos Mine	Coalinga
297	04	FL	Brown Wood Preserving	Live Oak
298	02	NY	Port Washington Landfill	Port Washington
299	05	IN	Columbus Old Municipal Lndfll #1	Columbus
300	02	NJ	Combe Fill South Landfill	Chester Township

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 7 (HRS Scores 45.14 - 42.86)	
301	02	NJ	JIS Landfill	Jamesburg/S. Brnswck
302	02	NY	Tronic Plating Co., Inc.	Farmingdale
303	03	PA	Centre County Kepone	State College Boro
304	04	FL	Agrico Chemical Co.	Pensacola
305	05	OH	Fields Brook	Ashtabula
306	01	CT	Solvents Recovery Service New Eng	Southington
307	08	CO	Woodbury Chemical Co.	Commerce City
308	02	NJ	Waldick Aerospace Devices, Inc.	Wall Township
309	01	MA	Hocomonco Pond	Westborough
310	04	KY	Distler Brickyard	West Point
311	02	NY	Ramapo Landfill	Ramapo
312	09	CA	Coast Wood Preserving	Ukiah
313	09	CA	South Bay Asbestos Area	Alviso
314	02	NY	Mercury Refining, Inc.	Colonie
315	04	FL	Hollingsworth Solderless Terminal	Fort Lauderdale
316	02	NY	Olean Well Field	Olean
317	09	CA	Fairchild Semiconduct(S San Jose)	South San Jose
318	10	WA	Pasco Sanitary Landfill	Pasco
319	05	MN	Joslyn Manufacturing & Supply Co.	Brooklyn Center
320	03	PA	York County Solid Waste/Refuse Lf	Hopewell Township
321	05	WI	Spickler Landfill	Spencer
322	08	CO	Denver Radium Site	Denver
323	02	NY	Tri-Cities Barrel Co., Inc.	Port Crane
324	03	PA	Route 940 Drum Dump	Pocono Summit
325	04	FL	Tower Chemical Co.	Clermont
326	01	VT	Darling Hill Dump	Lyndon
327	03	PA	C & D Recycling	Foster Township
328	07	MO	Syntex Facility	Verona
329	08	MT	Milltown Reservoir Sediments	Milltown
330	05	MN	Arrowhead Refinery Co.	Hermantown
331	10	OR	Martin-Marietta Aluminum Co.	The Dalles
332	08	CO	Uravan Uranium (Union Carbide)	Uravan
333	02	NJ	Pijak Farm	Plumstead Township
334	02	NJ	Syncon Resins	South Kearny
335	05	MN	Oak Grove Sanitary Landfill	Oak Grove Township
336	09	CA	Liquid Gold Oil Corp.	Richmond
337	09	CA	Purity Oil Sales, Inc.	Malaga
338	01	NH	Tinkham Garage	Londonderry
339	04	FL	Alpha Chemical Corp.	Galloway
340	02	NJ	Bog Creek Farm	Howell Township
341	01	ME	Saco Tannery Waste Pits	Saco
342	03	PA	River Road Lf/Waste Mngmnt, Inc.	Hermitage
343	02	PR	Frontera Creek	Rio Abajo
344	04	FL	Pickettville Road Landfill	Jacksonville
345	05	OH	Alsco Anaconda	Gnadenhutten
346	01	MA	Iron Horse Park	Billerica
347	03	PA	Palmerton Zinc Pile	Palmerton
348	05	IN	Neal's Landfill (Bloomington)	Bloomington
349	05	WI	Kohler Co. Landfill	Kohler
350	04	AL	Interstate Lead Co. (ILCO)	Leeds

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 8 (HRS Scores 42.79 - 42.24)	
351	04	FL	Standard Auto Bumper Corp.	Hialeah
352	07	KS	Hydro-Flex Inc.	Topeka
353	09	AZ	Hassayampa Landfill	Hassayampa
354	06	LA	Gulf Coast Vacuum Services	Abbeville
355	05	IL	Tri-County Lf/Waste Mgmt Illinois	South Elgin
356	01	MA	Silresim Chemical Corp.	Lowell
357	01	MA	Wells G&H	Woburn
358	01	CT	Nutmeg Valley Road	Wolcott
359	02	NJ	Chemsol, Inc.	Piscataway
360	05	WI	Lauer I Sanitary Landfill	Menomonee Falls
361	05	MI	Petoskey Municipal Well Field	Petoskey
362	05	MN	Union Scrap Iron & Metal Co.	Minneapolis
363	01	MA	Atlas Tack Corp.	Fairhaven
364	02	NJ	Radiation Technology, Inc.	Rockaway Township
365	02	NJ	Fair Lawn Well Field	Fair Lawn
366	05	IN	Main Street Well Field	Elkhart
367	05	MN	Lehillier/Mankato Site	Lehillier/Mankato
368	10	WA	Lakewood Site	Lakewood
369	03	PA	Industrial Lane	Williams Township
370	04	FL	Airco Plating Co.	Miami
371	05	IN	Fort Wayne Reduction Dump	Fort Wayne
372	05	WI	Onalaska Municipal Landfill	Onalaska
373	03	PA	A.I.W. Frank/Mid-County Mustang	Exton
374	05	WI	National Presto Industries, Inc.	Eau Claire
375	02	NJ	Monroe Township Landfill	Monroe Township
376	03	PA	Commodore Semiconductor Group	Lower Providence Twp
377	02	NJ	Rockaway Borough Well Field	Rockaway Township
378	05	IL	Lenz Oil Service, Inc.	Lemont
379	05	IN	Wayne Waste Oil	Columbia City
380	10	WA	Pacific Car & Foundry Co.	Renton
381	07	IA	John Deere (Ottumwa Works Lndfls)	Ottumwa
382	03	MD	Mid-Atlantic Wood Preservers, Inc	Harmans
383	03	PA	Novak Sanitary Landfill	South Whitehall Twp
384	05	IN	Himco Dump	Elkhart
385	10	ID	Pacific Hide & Fur Recycling Co.	Pocatello
386	07	IA	Des Moines TCE	Des Moines
387	02	NJ	Beachwood/Berkley Wells	Berkley Township
388	02	NJ	South Jersey Clothing Co.	Minotola
389	02	NY	Vestal Water Supply Well 4-2	Vestal
390	02	PR	Vega Alta Public Supply Wells	Vega Alta
391	03	PA	Avco Lycoming (Williamsport Div)	Williamsport
392	05	IL	Southeast Rockford Grnd Wtr Con	Rockford
393	05	IN	Galen Myers Dump/Drum Salvage	Osceola
394	05	MI	Sturgis Municipal Wells	Sturgis
395	05	MI	Barrels, Inc.	Lansing
396	05	MI	State Disposal Landfill, Inc.	Grand Rapids
397	05	MN	Washington County Landfill	Lake Elmo
398	06	TX	Odessa Chromium #1	Odessa
399	06	TX	Odessa Chromium #2 (Andrews Hgwy)	Odessa
400	07	IA	Electro-Coatings, Inc.	Cedar Rapids

National Priorities List (by Rank)
March 1990

Group 9 (HRS Scores 42.24 - 40.37)

NPL Rank	EPA Reg	St	Site Name	City/County
401	07	NE	Hastings Ground Water Contamin	Hastings
402	09	AZ	Indian Bend Wash Area	Scottsdale/Tmpe/Phnx
403	09	CA	San Gabriel Valley (Area 1)	El Monte
404	09	CA	San Gabriel Valley (Area 2)	Baldwin Park Area
405	09	CA	San Fernando Valley (Area 1)	Los Angeles
406	09	CA	San Fernando Valley (Area 2)	Los Angeles/Glendale
407	09	CA	San Fernando Valley (Area 3)	Glendale
408	09	CA	T.H. Agriculture & Nutrition Co.	Fresno
409	10	WA	Com Bay, Near Shore/Tide Flats	Pierce County
410	05	IL	LaSalle Electric Utilities	LaSalle
411	05	IL	Cross Brothers Pail (Pembroke)	Pembroke Township
412	04	GA	Cedartown Industries, Inc.	Cedartown
413	04	NC	Jadco-Hughes Facility	Belmont
414	05	IN	Southside Sanitary Landfill	Indianapolis
415	02	NJ	Monitor Devices/Intercircuits Inc	Wall Township
416	01	VT	BFI Sanitary Landfill(Rockingham)	Rockingham
417	02	PR	Upjohn Facility	Barceloneta
418	04	NC	Koppers Co Inc (Morrisville Plnt)	Morrisville
419	09	CA	McColl	Fullerton
420	03	PA	Henderson Road	Upper Merion Twp
421	02	NY	Hooker Chemical/Ruco Polymer Corp	Hicksville
422	10	WA	Colbert Landfill	Colbert
423	06	LA	Petro-Processors of Louisiana Inc	Scotlandville
424	02	NY	Applied Environmental Services	Glenwood Landing
425	02	PR	Barceloneta Landfill	Florida Afuera
426	01	NH	Tibbets Road	Barrington
427	03	MD	Sand, Gravel & Stone	Elkton
428	03	PA	Delta Quarries/Stotler Landfill	Antis/Logan Twps
429	01	CT	Revere Textile Prints Corp.	Sterling
430	05	MI	Spartan Chemical Co.	Wyoming
431	02	NJ	Roebling Steel Co.	Florence
432	03	PA	East Mount Zion	Springettsbury Twp
433	04	GA	T.H. Agricul & Nutri (Albany)	Albany
434	04	TN	Amnicola Dump	Chattanooga
435	02	NJ	Vineland State School	Vineland
436	09	AZ	Motorola, Inc.(52nd Street Plant)	Phoenix
437	01	MA	Groveland Wells	Groveland
438	02	NY	General Motors (Cent Foundry Div)	Massena
439	01	NH	Mottolo Pig Farm	Raymond
440	03	VA	Buckingham County Landfill	Buckingham
441	04	SC	SCRDI Dixiana	Cayce
442	05	MI	Roto-Finish Co., Inc.	Kalamazoo
443	05	MN	Olmsted County Sanitary Landfill	Oronoco
444	07	MO	Quality Plating	Sikeston
445	05	IN	Prestolite Battery Division	Vincennes
446	07	MO	Fulbright Landfill	Springfield
447	02	NJ	Williams Property	Swainton
448	02	NJ	Renora, Inc.	Edison Township
449	04	NC	FCX, Inc. (Washington Plant)	Washington
450	03	PA	Jacks Creek/Sitkin Smelting & Ref	Maitland

National Priorities List (by Rank)
March 1990

Group 10 (HRS Scores 40.37 - 38.64)

NPL Rank	EPA Reg	St	Site Name	City/County
451	06	NM	Cleveland Mill	Silver City
452	02	NJ	Denzer & Schafer X-Ray Co.	Bayville
453	02	NJ	Hercules, Inc. (Gibbstown Plant)	Gibbstown
454	05	IN	Ninth Avenue Dump	Gary
455	03	MD	Bush Valley Landfill	Abingdon
456	04	SC	Golden Strip Septic Tank Service	Simpsonville
457	04	SC	Rock Hill Chemical Co.	Rock Hill
458	06	TX	Texarkana Wood Preserving Co.	Texarkana
459	06	AR	Gurley Pit	Edmondson
460	04	FL	Petroleum Products Corp.	Pembroke Park
461	01	RI	Peterson/Puritan, Inc.	Lincoln/Cumberland
462	07	MO	Times Beach Site	Times Beach
463	05	MI	Wash King Laundry	Pleasant Plains Twp
464	05	MN	Whittaker Corp.	Minneapolis
465	05	WI	Algoma Municipal Landfill	Algoma
466	05	MN	NL Industries/Taracorp/Golden	St. Louis Park
467	09	CA	Westinghouse Elec (Sunnyvale Plt)	Sunnyvale
468	01	CT	Kellogg-Deering Well Field	Norwalk
469	03	PA	Boarhead Farms	Bridgeton Township
470	01	MA	Cannon Engineering Corp. (CEC)	Bridgewater
471	05	MI	H. Brown Co., Inc.	Grand Rapids
472	02	NY	Nepera Chemical Co., Inc.	Maybrook
473	02	NY	Niagara County Refuse	Wheatfield
474	04	FL	Sherwood Medical Industries	Deland
475	04	AL	Olin Corp. (McIntosh Plant)	McIntosh
476	05	MI	Southwest Ottawa County Landfill	Park Township
477	02	NY	Kentucky Avenue Well Field	Horseheads
478	02	NY	Pasley Solvents & Chemicals, Inc.	Hempstead
479	06	TX	Sol Lynn/Industrial Transformers	Houston
480	02	NJ	Asbestos Dump	Millington
481	04	KY	Lee's Lane Landfill	Louisville
482	06	AR	Frit Industries	Walnut Ridge
483	05	IL	Amoco Chemicals (Joliet Landfill)	Joliet
484	05	OH	Fultz Landfill	Jackson Township
485	04	NC	New Hanover Cnty Airport Burn Pit	Wilmington
486	10	OR	Allied Plating, Inc.	Portland
487	05	OH	Coshocton Landfill	Franklin Township
488	03	PA	AMP, Inc. (Glen Rock Facility)	Glen Rock
489	04	NC	JFD Electronics/Channel Master	Oxford
490	04	TN	Arlington Blending & Packaging	Arlington
491	06	LA	PAB Oil & Chemical Service, Inc.	Abbeville
492	04	FL	Sydney Mine Sludge Ponds	Brandon
493	06	NM	Cimarron Mining Corp.	Carrizozo
494	01	RI	Davis (GSR) Landfill	Glocester
495	03	PA	Lord-Shope Landfill	Girard Township
496	10	WA	FMC Corp. (Yakima Pit)	Yakima
497	05	WI	Northern Engraving Co.	Sparta
498	06	TX	South Cavalcade Street	Houston
499	01	MA	PSC Resources	Palmer
500	05	MI	Forest Waste Products	Otisville

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 11 (HRS Scores 38.52 - 37.77)	
501	03	PA	Drake Chemical	Lock Haven
502	09	CA	United Heckathorn Co.	Richmond
503	01	NH	Kearsarge Metallurgical Corp.	Conway
504	04	SC	Palmetto Wood Preserving	Dixiana
505	05	IL	Petersen Sand & Gravel	Libertyville
506	05	MI	Clare Water Supply	Clare
507	03	PA	Havertown PCP	Haverford
508	03	DE	New Castle Spill	New Castle County
509	07	MO	St Louis Airport/HIS/Fut Coatings	St. Louis County
510	08	MT	Idaho Pole Co.	Bozeman
511	03	DE	NCR Corp. (Millsboro Plant)	Millsboro
512	05	IN	Lake Sandy Jo (M&M Landfill)	Gary
513	05	IL	Johns-Manville Corp.	Waukegan
514	05	MI	Chem Central	Wyoming Township
515	05	MI	Novaco Industries	Temperance
516	04	FL	Beulah Landfill	Pensacola
517	05	MN	Windom Dump	Windom
518	01	RI	Rose Hill Regional Landfill	South Kingstown
519	02	NJ	Jackson Township Landfill	Jackson Township
520	05	IL	NL Industries/Taracorp Lead Smelt	Granite City
521	04	KY	Red Penn Sanitation Co. Landfill	Peewee Valley
522	05	MI	K&L Avenue Landfill	Oshtemo Township
523	05	OH	TRW, Inc. (Minerva Plant)	Minerva
524	10	WA	Kaiser Aluminum Mead Works	Mead
525	06	OK	Mosley Road Sanitary Landfill	Oklahoma City
526	01	CT	Barkhamsted-New Hartford Landfill	Barkhamsted
527	05	MN	Perham Arsenic Site	Perham
528	05	MI	Charlevoix Municipal Well	Charlevoix
529	02	NJ	Montgomery Township Housing Devel	Montgomery Township
530	02	NJ	Rocky Hill Municipal Well	Rocky Hill Borough
531	02	NJ	Cinnaminson Ground Water Contamin	Cinnaminson Township
532	02	NY	Brewster Well Field	Putnam County
533	02	NY	Vestal Water Supply Well 1-1	Vestal
534	03	PA	Bally Ground Water Contamination	Bally Borough
535	04	FL	Chemform, Inc.	Pompano Beach
536	04	FL	Wilson Concepts of Florida, Inc.	Pompano Beach
537	04	NC	Bypass 601 Ground Water Contamin	Concord
538	04	NC	FCX, Inc. (Statesville Plant)	Statesville
539	04	SC	Lexington County Landfill Area	Cayce
540	05	MI	Michigan Disposal(Cork Street Lf)	Kalamazoo
541	07	MO	Solid State Circuits, Inc.	Republic
542	07	NE	Waverly Ground Water Contamin	Waverly
543	08	UT	Utah Power&Light/American Barrel	Salt Lake City
544	09	CA	Advanced Micro Devices, Inc.	Sunnyvale
545	10	WA	Hidden Valley Lndfl (Thun Field)	Pierce County
546	10	WA	Yakima Plating Co.	Yakima
547	05	MN	Nutting Truck & Caster Co.	Faribault
548	02	NJ	U.S. Radium Corp.	Orange
549	05	MI	Carter Industrials, Inc.	Detroit
550	06	TX	Highlands Acid Pit	Highlands

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 12 (HRS Scores 37.69 - 35.94)	
551	03	PA	Resin Disposal	Jefferson Borough
552	08	MT	Libby Ground Water Contamination	Libby
553	04	KY	Newport Dump	Newport
554	04	SC	Sangamo/Twelve-Mile/Hartwell PCB	Pickens
555	03	PA	Moyers Landfill	Eagleville
556	01	NH	Savage Municipal Water Supply	Milford
557	05	MN	LaGrand Sanitary Landfill	LaGrand Township
558	05	IN	Poer Farm	Hancock County
559	03	PA	Brown's Battery Breaking	Shoemakersville
560	02	NY	SMS Instruments, Inc.	Deer Park
561	05	MI	Hedblum Industries	Oscoda
562	06	TX	United Creosoting Co.	Conroe
563	02	NY	Byron Barrel & Drum	Byron
564	05	MI	Bendix Corp./Allied Automotive	St. Joseph
565	08	WY	Baxter/Union Pacific Tie Treating	Laramie
566	02	NY	Anchor Chemicals	Hicksville
567	05	MI	Waste Management-Mich (Holland)	Holland
568	03	VA	Arrowhead Assoc/Scovill Corp.	Montross
569	03	VA	Atlantic Wood Industries, Inc.	Portsmouth
570	06	TX	North Cavalcade Street	Houston
571	02	NJ	Sayreville Landfill	Sayreville
572	01	NH	Dover Municipal Landfill	Dover
573	02	NY	Ludlow Sand & Gravel	Clayville
574	03	VA	Saunders Supply Co.	Chuckatuck
575	05	WI	City Disposal Corp. Landfill	Dunn
576	02	NJ	Tabernacle Drum Dump	Tabernacle Township
577	07	MO	Minker/Stout/Romaine Creek	Imperial
578	04	KY	Howe Valley Landfill	Howe Valley
579	01	CT	Yaworski Waste Lagoon	Canterbury
580	03	WV	Leetown Pesticide	Leetown
581	04	SC	Rochester Property	Travelers Rest
582	04	FL	Cabot/Koppers	Gainesville
583	02	NJ	Evor Phillips Leasing	Old Bridge Township
584	03	PA	William Dick Lagoons	West Caln Township
585	05	IN	Douglass Road/Uniroyal, Inc., Lf	Mishawaka
586	03	PA	Lackawanna Refuse	Old Forge Borough
587	06	OK	Compass Industries (Avery Drive)	Tulsa
588	02	NJ	Mannheim Avenue Dump	Galloway Township
589	05	IN	Neal's Dump (Spencer)	Spencer
590	02	NY	Fulton Terminals	Fulton
591	06	LA	Dutchtown Treatment Plant	Ascension Parish
592	03	PA	Westinghouse Elevator Co. Plant	Gettysburg
593	01	NH	Auburn Road Landfill	Londonderry
594	03	WV	Fike Chemical, Inc.	Nitro
595	05	MN	General Mills/Henkel Corp.	Minneapolis
596	04	TN	Wrigley Charcoal Plant	Wrigley
597	05	OH	Laskin/Poplar Oil Co.	Jefferson Township
598	05	OH	Old Mill	Rock Creek
599	04	SC	Townsend Saw Chain Co.	Pontiac
600	07	KS	Johns' Sludge Pond	Wichita

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 13 (HRS Scores 35.79 - 35.35)	
601	05	WI	Stoughton City Landfill	Stoughton
602	09	CA	Del Norte Pesticide Storage	Crescent City
603	03	VA	Suffolk City Landfill	Suffolk
604	01	VT	Tansitor Electronics, Inc.	Bennington
605	02	NJ	De Rewal Chemical Co.	Kingwood Township
606	03	PA	Middletown Air Field	Middletown
607	02	NJ	Swope Oil & Chemical Co.	Pennsauken
608	04	GA	Monsanto Corp. (Augusta Plant)	Augusta
609	01	NH	South Municipal Water Supply Well	Peterborough
610	01	ME	Winthrop Landfill	Winthrop
611	03	WV	Ordnance Works Disposal Areas	Morgantown
612	05	OH	Zanesville Well Field	Zanesville
613	02	NY	Suffern Village Well Field	Village of Suffern
614	02	NY	Endicott Village Well Field	Village of Endicott
615	03	DE	Dover Gas Light Co.	Dover
616	03	PA	Aladdin Plating	Scott Township
617	03	PA	North Penn - Area 1	Souderton
618	03	PA	North Penn - Area 7	North Wales
619	03	PA	North Penn - Area 6	Lansdale
620	03	PA	North Penn - Area 2	Hatfield
621	03	PA	North Penn - Area 5	Montgomery Township
622	04	FL	Harris Corp. (Palm Bay Plant)	Palm Bay
623	05	IL	DuPage Cty Ldf/Blackwell Forest	Warrenville
624	05	MN	Kummer Sanitary Landfill	Bemidji
625	05	OH	Sanitary Landfill Co. (IWD)	Dayton
626	05	WI	Eau Claire Municipal Well Field	Eau Claire
627	06	NM	Pagano Salvage	Los Lunas
628	07	MO	Valley Park TCE	Valley Park
629	09	CA	San Fernando Valley (Area 4)	Los Angeles
630	09	CA	Monolithic Memories	Sunnyvale
631	09	CA	National Semiconductor Corp.	Santa Clara
632	09	CA	Fresno Municipal Sanitary Lndfll	Fresno
633	09	CA	Newmark Ground Water Contamin	San Bernardino
634	04	GA	Powersville Site	Peach County
635	05	MI	Grand Traverse Overall Supply Co.	Greilickville
636	05	MI	Metamora Landfill	Metamora
637	02	NY	Niagara Mohawk Power(Saratoga Sp)	Saratoga Springs
638	05	MI	Whitehall Municipal Wells	Whitehall
639	03	DE	Standard Chlorine of Delaware,Inc	Delaware City
640	05	MN	South Andover Site	Andover
641	02	NJ	Diamond Alkali Co.	Newark
642	05	IN	Carter Lee Lumber Co.	Indianapolis
643	01	NH	Fletcher's Paint Works & Storage	Milford
644	03	VA	Avtex Fibers, Inc.	Front Royal
645	05	MI	Kentwood Landfill	Kentwood
646	05	MI	Electrovoice	Buchanan
647	09	CA	Jasco Chemical Corp.	Mountain View
648	02	NY	Katonah Municipal Well	Town of Bedford
649	07	KS	29th & Mead Ground Water Contamin	Wichita
650	09	CA	Teledyne Semiconductor	Mountain View

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 14 (HRS Scores 35.34 - 34.21)	
651	02	PR	Fibers Public Supply Wells	Jobos
652	03	VA	Dixie Caverns County Landfill	Salem
653	05	IN	Marion (Bragg) Dump	Marion
654	05	OH	Pristine, Inc.	Reading
655	05	WI	Mid-State Disposal, Inc. Landfill	Cleveland Township
656	04	TN	American Creosote (Jackson Plant)	Jackson
657	08	CO	Broderick Wood Products	Denver
658	02	NY	C & J Disposal Leasing Co. Dump	Hamilton
659	05	OH	Buckeye Reclamation	St. Clairsville
660	02	NY	Preferred Plating Corp.	Farmingdale
661	06	TX	Bio-Ecology Systems, Inc.	Grand Prairie
662	08	UT	Monticello Rad Contaminated Props	Monticello
663	02	NJ	Woodland Route 532 Dump	Woodland Township
664	05	IN	American Chemical Service, Inc.	Griffith
665	01	MA	Salem Acres	Salem
666	02	NY	Richardson Hill Road Lndfll/Pond	Sidney Center
667	01	VT	Old Springfield Landfill	Springfield
668	03	PA	Bell Landfill	Terry Township
669	02	NY	Solvent Savers	Lincklaen
670	03	VA	U.S. Titanium	Piney River
671	05	IL	Galesburg/Koppers Co.	Galesburg
672	09	CA	J.H. Baxter & Co.	Weed
673	02	NY	Hooker (Hyde Park)	Niagara Falls
674	05	MI	SCA Independent Landfill	Muskegon Heights
675	02	NY	Action Anodizing,Plating Polish	Copiague
676	09	CA	MGM Brakes	Cloverdale
677	06	LA	Bayou Sorrel Site	Bayou Sorrel
678	05	IL	M.O.D. Landfill	Antioch
679	05	MI	Duell & Gardner Landfill	Dalton Township
680	10	WA	Mica Landfill	Mica
681	02	NJ	Ellis Property	Evesham Township
682	04	KY	Distler Farm	Jefferson County
683	09	CA	Waste Disposal, Inc.	Santa Fe Springs
684	10	WA	Harbor Island (Lead)	Seattle
685	05	WI	Lemberger Transport & Recycling	Franklin Township
686	05	OH	E.H. Schilling Landfill	Hamilton Township
687	05	MI	Cliff/Dow Dump	Marquette
688	02	NY	Clothier Disposal	Town of Granby
689	03	PA	Ambler Asbestos Piles	Ambler
690	10	WA	Queen City Farms	Maple Valley
691	02	NJ	Curcio Scrap Metal, Inc.	Saddle Brook Twp
692	03	VA	L.A. Clarke & Son	Spotsylvania County
693	05	WI	Scrap Processing Co., Inc.	Medford
694	03	MD	Southern Maryland Wood Treating	Hollywood
695	05	IL	Ilada Energy Co.	East Cape Girardeau
696	05	MI	Kaydon Corp.	Muskegon
697	05	WI	Sauk County Landfill	Excelsior
698	06	NM	Homestake Mining Co.	Milan
699	06	TX	Dixie Oil Processors, Inc.	Friendswood
700	09	CA	Beckman Instruments (Porterville)	Porterville

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 15 (HRS Scores 34.19 - 33.62)	
701	05	MI	Muskegon Chemical Co.	Whitehall
702	04	FL	Dubose Oil Products Co.	Cantonment
703	05	MI	Mason County Landfill	Pere Marquette Twp
704	05	MI	Cemetery Dump	Rose Center
705	07	IA	Red Oak City Landfill	Red Oak
706	05	IN	Lakeland Disposal Service, Inc.	Claypool
707	02	NJ	Hopkins Farm	Plumstead Township
708	04	NC	Cape Fear Wood Preserving	Fayetteville
709	01	RI	Stamina Mills, Inc.	North Smithfield
710	05	WI	Lemberger Landfill, Inc.	Whitelaw
711	05	IN	Reilly Tar (Indianapolis Plant)	Indianapolis
712	01	ME	Pinette's Salvage Yard	Washburn
713	01	CT	Durham Meadows	Durham
714	03	DE	Tyler Refrigeration Pit	Smyrna
715	05	MI	Kysor Industrial Corp.	Cadillac
716	09	CA	Lorentz Barrel & Drum Co.	San Jose
717	02	NJ	Wilson Farm	Plumstead Township
718	02	NY	Conklin Dumps	Conklin
719	03	PA	Old City of York Landfill	Seven Valleys
720	03	PA	Modern Sanitation Landfill	Lower Windsor Twp
721	05	IL	Byron Salvage Yard	Byron
722	05	MI	North Bronson Industrial Area	Bronson
723	03	PA	Stanley Kessler	King of Prussia
724	04	SC	Helena Chemical Co. Landfill	Fairfax
725	07	MO	Kem-Pest Laboratories	Cape Girardeau
726	02	NJ	Imperial Oil/Champion Chemicals	Morganville
727	02	NJ	Cosden Chemical Coatings Corp.	Beverly
728	05	MN	St. Augusta San Lndfll/Engen Dump	St. Augusta Township
729	02	NJ	Myers Property	Franklin Township
730	02	NJ	Pepe Field	Boonton
731	04	KY	Tri-City Disposal Co.	Shepherdsville
732	10	WA	Northwest Transformer	Everson
733	02	NY	Genzale Plating Co.	Franklin Square
734	05	MI	Albion-Sheridan Township Landfill	Albion
735	05	WI	Sheboygan Harbor & River	Sheboygan
736	05	MI	Ossineke Ground Water Contamin	Ossineke
737	03	WV	Follansbee Site	Follansbee
738	03	PA	Keystone Sanitation Landfill	Union Township
739	04	NC	Carolina Transformer Co.	Fayetteville
740	02	NY	Carroll & Dubies Sewage Disposal	Port Jervis
741	02	NY	North Sea Municipal Landfill	North Sea
742	03	PA	Bendix Flight Systems Division	Bridgewater Township
743	09	CA	Koppers Co Inc (Oroville Plant)	Oroville
744	09	CA	Louisiana-Pacific Corp.	Oroville
745	01	CT	Linemaster Switch Corp.	Woodstock
746	03	VA	H & H Inc., Burn Pit	Farrington
747	05	MI	South Macomb Disposal (Lf 9 & 9A)	Macomb Township
748	05	MI	U.S. Aviex	Howard Township
749	03	PA	Walsh Landfill	Honeybrook Township
750	02	NJ	Landfill & Development Co.	Mount Holly

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
			Group 16 (HRS Scores 33.62 - 32.34)	
751	02	NJ	Upper Deerfield Township San Lndf	Upper Deerfield Twp
752	02	NY	Hertel Landfill	Plattekill
753	02	NY	Haviland Complex	Town of Hyde Park
754	02	NY	Malta Rocket Fuel Area	Malta
755	02	NY	Jones Chemicals, Inc.	Caledonia
756	03	PA	Saegertown Industrial Area	Saegertown
757	04	GA	Cedartown Municipal Landfill	Cedartown
758	05	MI	Kent City Mobile Home Park	Kent City
759	05	MN	Adrian Municipal Well Field	Adrian
760	06	NM	AT & SF (Clovis)	Clovis
761	07	KS	Strother Field Industrial Park	Cowley County
762	07	KS	Obee Road	Hutchinson
763	09	CA	CTS Printex, Inc.	Mountain View
764	02	NJ	Fried Industries	East Brunswick Twp
765	02	NY	American Thermostat Co.	South Cairo
766	08	ND	Minot Landfill	Minot
767	04	TN	Lewisburg Dump	Lewisburg
768	05	MI	McGraw Edison Corp.	Albion
769	02	NY	Goldisc Recordings, Inc.	Holbrook
770	02	NY	Islip Municipal Sanitary Landfill	Islip
771	09	CA	Sola Optical USA, Inc.	Petaluma
772	04	KY	Airco	Calvert City
773	03	PA	Metal Banks	Philadelphia
774	05	IL	Yeoman Creek Landfill	Waukegan
775	02	NY	Sarney Farm	Amenia
776	05	MI	Folkertsma Refuse	Grand Rapids
777	01	MA	Rose Disposal Pit	Lanesboro
778	05	OH	Van Dale Junkyard	Marietta
779	08	MT	Montana Pole and Treating	Butte
780	04	NC	Geigy Chemical Corp(Aberdeen Plt)	Aberdeen
781	04	KY	B.F. Goodrich	Calvert City
782	04	KY	General Tire/Rubber(Mayfield Lnf)	Mayfield
783	05	MI	Organic Chemicals, Inc.	Grandville
784	02	NY	BioClinical Laboratories, Inc.	Bohemia
785	02	NY	Volney Municipal Landfill	Town of Volney
786	02	NY	FMC Corp. (Dublin Road Landfill)	Town of Shelby
787	05	WI	Tomah Fairgrounds	Tomah
788	01	MA	Sullivan's Ledge	New Bedford
789	04	KY	Smith's Farm	Brooks
790	05	WI	Madison Metro Sewer District Lag	Blooming Grove
791	10	OR	Joseph Forest Products	Joseph
792	02	PR	Juncos Landfill	Juncos
793	07	KS	Big River Sand Co.	Wichita
794	05	IN	Bennett Stone Quarry	Bloomington
795	10	WA	Wyckoff Co./Eagle Harbor	Bainbridge Island
796	04	SC	Beaunit Corp(Circular Knit & Dye)	Fountain Inn
797	02	NJ	Industrial Latex Corp.	Wallington Borough
798	04	FL	Munisport Landfill	North Miami
799	06	LA	D.L. Mud, Inc.	Abbeville
800	04	AL	Stauffer Chem (LeMoyne Plant)	Axis

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
Group 17 (HRS Scores 32.27 - 31.58)				
801	02	NJ	M&T Delisa Landfill	Asbury Park
802	06	TX	Crystal City Airport	Crystal City
803	04	SC	Geiger (C & M Oil)	Rantoules
804	05	WI	Moss-American(Kerr-McGee Oil Co.)	Milwaukee
805	05	WI	Waste Research & Reclamation Co.	Eau Claire
806	10	OR	Gould, Inc.	Portland
807	01	ME	Union Chemical Co., Inc.	South Hope
808	02	NY	Cortese Landfill	Vil of Narrowsburg
809	09	CA	Montrose Chemical Corp.	Torrance
810	05	MN	St. Louis River Site	St. Louis County
811	05	MI	Auto Ion Chemicals, Inc.	Kalamazoo
812	03	PA	Recticon/Allied Steel Corp.	East Coventry Twp
813	05	WI	Hagen Farm	Stoughton
814	04	SC	Carolawn, Inc.	Fort Lawn
815	07	IA	Midwest Manufacturing/North Farm	Kellogg
816	03	PA	Berks Sand Pit	Longswamp Township
817	09	CA	Valley Wood Preserving, Inc.	Turlock
818	03	PA	Butz Landfill	Stroudsburg
819	04	FL	City Industries, Inc.	Orlando
820	05	MI	Sparta Landfill	Sparta Township
821	05	IL	Acme Solvent (Morristown Plant)	Morristown
822	01	NH	Holton Circle Ground Water Contam	Londonderry
823	02	NJ	Pomona Oaks Residential Wells	Galloway Township
824	02	NY	Rowe Industries Ground Water Cont	Noyack/Sag Harbor
825	03	PA	Hebelka Auto Salvage Yard	Weisenberg Township
826	04	FL	Hipps Road Landfill	Duval County
827	05	MN	Long Prairie Ground Water Contam	Long Prairie
828	05	MN	Waite Park Wells	Waite Park
829	09	CA	Applied Materials	Santa Clara
830	09	CA	Intel Magnetics	Santa Clara
831	09	CA	Intel Corp. (Santa Clara III)	Santa Clara
832	09	CA	TRW Microwave, Inc (Building 825)	Sunnyvale
833	09	CA	Synertek, Inc. (Building 1)	Santa Clara
834	04	FL	Pepper Steel & Alloys, Inc.	Medley
835	02	NY	Mattiace Petrochemical Co., Inc.	Glen Cove
836	01	ME	O'Connor Co.	Augusta
837	05	WI	Oconomowoc Electroplating Co. Inc	Ashippin
838	05	IN	Continental Steel Corp.	Kokomo
839	05	MI	Rasmussen's Dump	Green Oak Township
840	02	NY	Kenmark Textile Corp.	Farmingdale
841	04	FL	Wingate Road Munic Incinerat Dump	Fort Lauderdale
842	03	PA	Westline Site	Westline
843	04	KY	Maxey Flats Nuclear Disposal	Hillsboro
844	04	NC	Benfield Industries, Inc.	Hazelwood
845	08	MT	Mouat Industries	Columbus
846	05	MI	J & L Landfill	Rochester Hills
847	02	NY	Claremont Polychemical	Old Bethpage
848	05	OH	Powell Road Landfill	Dayton
849	03	PA	Croydon TCE	Croydon
850	04	SC	Medley Farm Drum Dump	Gaffney

National Priorities List (by Rank)
March 1990

NPL Rank	EPA Reg	St	Site Name	City/County
Group 18 (HRS Scores 31.45 - 30.54)				
851	04	SC	Elmore Waste Disposal	Greer
852	07	IA	Vogel Paint & Wax Co.	Orange City
853	05	MN	Kurt Manufacturing Co.	Fridley
854	05	MI	Parsons Chemical Works, Inc.	Grand Ledge
855	03	PA	Revere Chemical Co.	Nockamixon Township
856	05	MI	Ionia City Landfill	Ionia
857	06	TX	Koppers Co Inc (Texarkana Plant)	Texarkana
858	08	CO	Lincoln Park	Canon City
859	08	CO	Smuggler Mountain	Pitkin County
860	05	IN	Wedzeb Enterprises, Inc.	Lebanon
861	02	PR	GE Wiring Devices	Juana Diaz
862	07	MO	Missouri Electric Works	Cape Girardeau
863	05	MI	Avenue "E" Ground Water Contamin	Traverse City
864	05	OH	New Lyme Landfill	New Lyme
865	02	NJ	Woodland Route 72 Dump	Woodland Township
866	02	PR	RCA Del Caribe	Barceloneta
867	05	MN	Koch Refining Co./N-Ren Corp.	Pine Bend
868	04	FL	Piper Aircraft/Vero Beach Wtr&Swr	Vero Beach
869	03	PA	Brodhead Creek	Stroudsburg
870	05	WI	Fadrowski Drum Disposal	Franklin
871	10	OR	United Chrome Products, Inc.	Corvallis
872	04	FL	Anodyne, Inc.	North Miami Beach
873	03	PA	Eastern Diversified Metals	Hometown
874	05	MI	Anderson Development Co.	Adrian
875	05	WI	Hunts Disposal Landfill	Caledonia
876	05	MI	Shiawassee River	Howell
877	06	OK	Tenth Street Dump/Junkyard	Oklahoma City
878	10	AK	Alaska Battery Enterprises	Fairbanks N Star Bor
879	03	PA	Taylor Borough Dump	Taylor Borough
880	03	DE	Halby Chemical Co.	New Castle
881	04	AL	Redwing Carriers, Inc. (Saraland)	Saraland
882	06	OK	Double Eagle Refinery Co.	Oklahoma City
883	04	GA	Mathis Bros Lf (S Marble Top Rd)	Kensington
884	03	DE	Harvey & Knott Drum, Inc.	Kirkwood
885	04	TN	Gallaway Pits	Gallaway
886	05	OH	Big D Campground	Kingsville
887	06	AR	Midland Products	Ola/Birta
888	02	NY	Robintech, Inc./National Pipe Co.	Town of Vestal
889	02	NY	BEC Trucking	Town of Vestal
890	03	PA	Strasburg Landfill	Newlin Township
891	06	OK	Fourth Street Abandoned Refinery	Oklahoma City
892	02	NJ	Witco Chemical Corp.(Oakland Plt)	Oakland
893	05	WI	Tomah Armory	Tomah
894	03	DE	Wildcat Landfill	Dover
895	05	MI	Burrows Sanitation	Hartford
896	03	PA	Blosenski Landfill	West Caln Township
897	03	VA	Rhinehart Tire Fire Dump	Frederick County
898	10	WA	Northwest Transformer(S Harkness)	Everson
899	03	DE	Delaware City PVC Plant	Delaware City
900	03	MD	Limestone Road	Cumberland

National Priorities List (by Rank)
March 1990

Group 19 (HRS Scores 30.48 - 29.31)

NPL Rank	EPA Reg	St	Site Name	City/County
901	02	NY	Hooker (102nd Street)	Niagara Falls
902	02	NJ	Higgins Farm	Franklin Township
903	10	WA	American Crossarm & Conduit Co.	Chehalis
904	06	NM	United Nuclear Corp.	Church Rock
905	03	PA	Reeser's Landfill	Upper Macungie Twp
906	03	VA	Rentokil, Inc. (VA Wood Pres Div)	Richmond
907	06	AR	Industrial Waste Control	Fort Smith
908	09	CA	Celtor Chemical Works	Hoopa
909	01	MA	Haverhill Municipal Landfill	Haverhill
910	04	AL	Perdido Ground Water Contamin	Perdido
911	02	NY	Marathon Battery Corp.	Cold Springs
912	02	NY	Colesville Municipal Landfill	Town of Colesville
913	04	FL	Yellow Water Road Dump	Baldwin
914	04	GA	Marzone Inc./Chevron Chemical Co.	Tifton
915	05	OH	Skinner Landfill	West Chester
916	03	VA	First Piedmont Quarry (Route 719)	Pittsylvania County
917	04	NC	Chemtronics, Inc.	Swannanoa
918	05	IN	MIDCO II	Gary
919	06	TX	Sheridan Disposal Services	Hempstead
920	07	KS	Pester Refinery Co.	El Dorado
921	03	MD	Kane & Lombard Street Drums	Baltimore
922	07	MO	Shenandoah Stables	Moscow Mills
923	04	GA	Firestone Tire (Albany Plant)	Albany
924	07	IA	Shaw Avenue Dump	Charles City
925	03	PA	Berkley Products Co. Dump	Denver
926	10	WA	Silver Mountain Mine	Loomis
927	06	TX	Petro-Chemical (Turtle Bayou)	Liberty County
928	05	OH	Republic Steel Corp. Quarry	Elyria
929	07	MO	Conservation Chemical Co.	Kansas City
930	05	MN	Ritari Post & Pole	Sebeka
931	06	LA	Bayou Bonfouca	Slidell
932	09	CA	Intel Corp. (Mountain View Plant)	Mountain View
933	09	CA	Raytheon Corp.	Mountain View
934	09	CA	Hewlett-Packard(620-40 Page Mill)	Palo Alto
935	05	MN	Agate Lake Scrapyard	Fairview Township
936	05	MI	Adam's Plating	Lansing
937	06	AR	Jacksonville Municipal Landfill	Jacksonville
938	06	AR	Rogers Road Municipal Landfill	Jacksonville
939	03	VA	Saltville Waste Disposal Ponds	Saltville
940	01	ME	Saco Municipal Landfill	Saco
941	04	SC	Palmetto Recycling, Inc.	Columbia
942	01	MA	Shpack Landfill	Norton/Attleboro
943	03	PA	Kimberton Site	Kimberton Borough
944	04	TN	Mallory Capacitor Co.	Waynesboro
945	01	MA	Norwood PCBs	Norwood
946	02	NY	Warwick Landfill	Warwick
947	02	NY	Sidney Landfill	Sidney
948	10	WA	Old Inland Pit	Spokane
949	10	WA	Pesticide Lab (Yakima)	Yakima
950	05	IN	Lemon Lane Landfill	Bloomington

National Priorities List (by Rank)
March 1990

Group 20 (HRS Scores 29.28 - 28.50 , except for health-advisory sites)

NPL Rank	EPA Reg	St	Site Name	City/County
951	05	IN	Tri-State Plating	Columbus
952	10	ID	Arrcom (Drexler Enterprises)	Rathdrum
953	01	NH	Coakley Landfill	North Hampton
954	04	NC	Potter's Septic Tank Service Pits	Maco
955	04	NC	ABC One Hour Cleaners	Jacksonville
956	03	PA	Fischer & Porter Co.	Warminster
957	03	PA	Elizabethtown Landfill	Elizabethtown
958	06	AR	Arkwood, Inc.	Omaha
959	09	CA	Jibboom Junkyard	Sacramento
960	02	NJ	A. O. Polymer	Sparta Township
961	05	WI	Wausau Ground Water Contamination	Wausau
962	02	NJ	Dover Municipal Well 4	Dover Township
963	02	NJ	Rockaway Township Wells	Rockaway
964	02	NJ	Pohatcong Valley Ground Water Con	Warren County
965	02	NJ	Garden State Cleaners Co.	Minotola
966	03	DE	Sussex County Landfill No. 5	Laurel
967	03	PA	North Penn - Area 12	Worcester
968	05	WI	Delavan Municipal Well #4	Delavan
969	07	MO	North-U Drive Well Contamination	Springfield
970	09	CA	San Gabriel Valley (Area 3)	Alhambra
971	09	CA	San Gabriel Valley (Area 4)	La Puente
972	09	CA	Modesto Ground Water Contamin	Modesto
973	10	WA	American Lake Gardens	Tacoma
974	10	WA	Greenacres Landfill	Spokane County
975	10	WA	Northside Landfill	Spokane
976	06	OK	Sand Springs Petrochemical Cmplx	Sand Springs
977	06	TX	Pesses Chemical Co.	Fort Worth
978	05	MI	Metal Working Shop	Lake Ann
979	05	MN	East Bethel Demolition Landfill	East Bethel Township
980	06	TX	Triangle Chemical Co.	Bridge City
981	02	NJ	PJP Landfill	Jersey City
982	03	PA	Craig Farm Drum	Parker
983	05	IL	Belvidere Municipal Landfill	Belvidere
984	07	MO	Bee Cee Manufacturing Co.	Malden
985	03	PA	CryoChem, Inc.	Worman
986	02	NJ	Kauffman & Minteer, Inc.	Jobstown
987	03	PA	Lansdowne Radiation Site	Lansdowne
988	02	NY	Forest Glen Mobile Home Subdivis	Niagara Falls
989	02	NY	Radium Chemical Co., Inc.	New York City

Number of NPL Sites: 989

* = State top priority site

National Priorities List,
Federal Section (by Group)
March 1990

NPL Gr[1]	St	Site Name	City/County
1	WA	Hanford 200-Area (USDOE)	Benton County
1	WA	Hanford 300-Area (USDOE)	Benton County
1	CO	Rocky Flats Plant (USDOE)	Golden
1	CA	Riverbank Army Ammunition Plant	Riverbank
1	NM	Cal West Metals (USSBA)	Lemitar
1	MO	Weldon Spring (USDOE/Army)	St.Charles County
2	CO	Rocky Mountain Arsenal	Adams County
2	TN	Milan Army Ammunition Plant	Milan
2	PA	Naval Air Develop Center(8 Areas)	Warminster Township
2	CA	McClellan AFB (Ground Water Cont)	Sacramento
2	OH	Wright-Patterson Air Force Base	Dayton
2	OH	Feed Materials Prod Cent (USDOE)	Fernald
3	WA	Bonneville Power Adm Ross (USDOE)	Vancouver
3	MD	Aber Prov Ground-Edgewood Area	Edgewood
4	ID	Idaho National Engin Lab (USDOE)	Idaho Falls
4	AL	Anniston Army Depot (SE Ind Area)	Anniston
4	GA	Robins AFB (Lndfll #4/Sludge Lag)	Houston County
4	TN	Oak Ridge Reservation (USDOE)	Oak Ridge
4	NE	Cornhusker Army Ammunition Plant	Hall County
4	NJ	Naval Air Engineering Center	Lakehurst
4	UT	Hill Air Force Base	Ogden
5	CA	Treasure Island Nav Sta-Hun Pt An	San Francisco
5	AK	Eielson Air Force Base	Fairbanks N Star Bor
5	SC	Savannah River Site (USDOE)	Aiken
5	WA	Naval Air Sta, Whid Is (Ault)	Whidbey Island
5	NJ	W.R. Grace/Wayne Int Stor (USDOE)	Wayne Township
6	WA	Hanford 100-Area (USDOE)	Benton County
6	MA	Otis Air Nat Guard/Camp Edwards	Falmouth
7	UT	Ogden Defense Depot	Ogden
7	GA	Marine Corps Logistics Base	Albany
7	CA	Sacramento Army Depot	Sacramento
7	IL	Sangamo/Crab Orchard NWR (USDOI)	Carterville

* State top priority site

1: Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL

National Priorities List,
Federal Section (by Group)
March 1990

NPL Gr[1]	St	Site Name	City/County
7	ME	Brunswick Naval Air Station	Brunswick
7	CO	Air Force Plant PJKS	Waterton
7	NJ	Picatinny Arsenal	Rockaway Township
8	FL	Pensacola Naval Air Station	Pensacola
9	CA	Sharpe Army Depot	Lathrop
9	OK	Tinker AFB (Soldier Cr/Bldg 3001)	Oklahoma City
9	CA	Fort Ord	Marina
9	CA	Lawrence Livermore Lab (USDOE)	Livermore
9	MA	Fort Devens	Fort Devens
9	WA	McChord AFB (Wash Rack/Treatment)	Tacoma
9	IL	Savanna Army Depot Activity	Savanna
10	NY	Brookhaven National Lab (USDOE)	Upton
10	CA	Norton Air Force Base	San Bernardino
10	WA	Naval Air Sta, Whid Is (Seaplane)	Whidbey Island
10	NH	Pease Air Force Base	Portsmouth/Newington
10	WY	F.E. Warren Air Force Base	Cheyenne
11	CA	Barstow Marine Corps Logist Base	Barstow
11	AZ	Williams Air Force Base	Chandler
11	CA	Castle Air Force Base	Merced
12	PA	Letterkenny Army Depot (PDO Area)	Franklin County
12	CA	El Toro Marine Corps Air Station	El Toro
12	NJ	Fort Dix (Landfill Site)	Pemberton Township
12	AL	Alabama Army Ammunition Plant	Childersburg
12	WA	Hanford 1100-Area (USDOE)	Benton County
12	DE	Dover Air Force Base	Dover
12	UT	Monticello Mill Tailings (USDOE)	Monticello
13	MA	Fort Devens-Sudbury Training Ann	Middlesex County
13	WA	Fort Lewis Logistics Center	Tillicum
14	IL	Joliet Army Ammu Plant (LAP Area)	Joliet
14	OH	Mound Plant (USDOE)	Miamisburg
14	RI	Davisville Naval Constr Batt Cent	North Kingstown
14	ME	Loring Air Force Base	Limestone
14	PR	Naval Security Group Activity	Sabana Seca
14	PA	Letterkenny Army Depot (SE Area)	Chambersburg
14	NY	Griffiss Air Force Base	Rome

National Priorities List,
Federal Section (by Group)
March 1990

NPL Gr 1	St	Site Name	City/County
15	VA	Defense General Supply Center	Chesterfield County
15	WA	Fort Lewis (Landfill No. 5)	Tacoma
15	CA	Camp Pendleton Marine Corps Base	San Diego County
16	CA	George Air Force Base	Victorville
16	MN	Twin Cities Air Force(SAR Lndfll)	Minneapolis
16	MO	Lake City Army Plant (NW Lagoon)	Independence
16	WA	Naval Undersea Warf Sta (4 Areas)	Keyport
16	NC	Camp Lejeune Military Reservation	Onslow County
17	RI	Newport Naval Educat/Training Cen	Newport
17	AZ	Yuma Marine Corps Air Station	Yuma
17	IL	Joliet Army Ammu Plant (Mfg Area)	Joliet
17	FL	Jacksonville Naval Air Station	Jacksonville
17	FL	Cecil Field Naval Air Station	Jacksonville
17	WA	Fairchild Air Force Base(4 Areas)	Spokane County
17	CA	March Air Force Base	Riverside
17	TX	Lone Star Army Ammunition Plant	Texarkana
18	OR	Umatilla Army Depot (Lagoons)	Hermiston
18	MD	Aber Prov Ground-Michaelsville Lf	Aberdeen
18	MN	Naval Industrial Reserve Ordnance	Fridley
19	WA	Bangor Ordnance Disposal	Bremerton
19	NY	Plattsburgh Air Force Base	Plattsburgh
19	LA	Louisiana Army Ammunition Plant	Doyline
19	MO	Weldon Spring Form Army Ord Works	St. Charles County
19	CA	Moffett Naval Air Station	Sunnyvale
19	CA	Travis Air Force Base	Solano County
20	CA	Mather Air Force Base	Sacramento

Number of NPL Federal Facility Sites: 93

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