

standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

#### *National Environmental Policy Act*

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

#### *Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

#### *Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

#### *Unfunded Mandates*

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

#### **List of Subjects in 30 CFR Part 924**

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 15, 1999.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 99-18947 Filed 7-23-99; 8:45 am]

BILLING CODE 4310-05-P

#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 52**

[IN96-1b; FRL-6402-1]

#### **Approval and Promulgation of Implementation Plan; Indiana**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is approving temporary revised opacity limits for two processes at ALCOA Warrick Operations, which were submitted by the Indiana Department of Environmental Management (IDEM) on December 8, 1998. ALCOA Warrick Operations is a primary aluminum smelter located in Newburgh, Indiana. The revised limits allow for higher opacity emissions during fluxing operations at two holding furnaces for a period of one year, ending May 1999. Mass emissions limits are not being changed.

**DATES:** EPA must receive written comments on this proposed rule by August 25, 1999.

**ADDRESSES:** You should mail written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You may inspect copies of the State submittal and EPA's analysis of it at:

Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** David Pohlman, Environmental Scientist, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-3299.

#### **SUPPLEMENTARY INFORMATION:**

Throughout this document, wherever "we", "us", or "our" are used we mean EPA.

#### **Table of Contents**

- I. What action is EPA taking today?
- II. Where can I find more information about this proposal and the corresponding direct final rule?

#### **I. What Action Is EPA Taking Today?**

We are proposing to approve temporary revised opacity limits for two processes at ALCOA Warrick Operations, which were submitted by IDEM on December 8, 1998. The revised limits allow for higher opacity emissions during fluxing operations at two holding furnaces for a period of one year, ending May 1999.

#### **II. Where can I Find More Information About This Proposal and the Corresponding Direct Final Rule?**

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: July 9, 1999.

**Francis X. Lyons,**

*Regional Administrator, Region 5.*

[FR Doc. 99-18871 Filed 7-23-99; 8:45 am]

BILLING CODE 6560-50-P

#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 300**

[FRL-6401-7]

#### **National Oil and Hazardous, Substances Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Mason County Landfill Superfund Site from the National Priorities List; request for comments.

**SUMMARY:** The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the Mason County Landfill Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA, because it has been determined that all Fund-financed responses under CERCLA have been implemented and U.S. EPA, in consultation with the State of Michigan, has determined that no further response is appropriate. It should be noted,

however, long-term maintenance of the landfill cap and monitoring of the groundwater at the Site will continue to ensure that the effectiveness of the remedy is sustained. U.S. EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

**DATES:** Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before August 25, 1999.

**ADDRESSES:** Comments may be mailed to Gladys Beard, Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd. (SR-6J), Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information repository located at: Ludington Public Library 217 E. Ludington, Ludington, MI 49431. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Gore at (312) 886-6552 (SR-6J), Remedial Project Manager or Gladys Beard (SR-6J), Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-7253 or Stuart Hill (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-0689.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

**I. Introduction**

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the Mason County Landfill Site from the National Priorities List (NPL), which constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains

eligible for Fund-financed remedial actions if the conditions at the site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this document in the **Federal Register**.

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

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

**II. NPL Deletion Criteria**

The NCP establishes the criteria the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, U.S. EPA considers, in consultation with the State, whether any of the following criteria have been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or
- (iii) The Remedial Investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

**III. Deletion Procedures**

Upon determination that at least one of the criteria described in § 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This **Federal Register** document, and a concurrent notice in the local newspaper in the vicinity of the site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate

and address comments that were received. The public is welcome to contact the U.S. EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

**IV. Basis for Intended Site Deletion**

The Mason County Landfill Site is located three miles south of the city of Ludington, Michigan and one mile east of Lake Michigan. The Site occupies approximately eighteen acres of a predominantly rural area in Pere Marquette Township; approximately ten acres of the Site is landfilled. During its active life, Industrial, commercial and municipal waste was placed in the landfill.

The Site property was originally owned by Edward Dains when it was selected for use as a sanitary landfill by the Mason County Department of Public Works (DPW). In 1971, Mason County DPW leased the property from Mr. Dains and subsequently entered into an agreement with Acme Disposal to operate the landfill. Mr. Dains was hired by Acme Disposal as a Sanitation Engineer to oversee the daily operations of the landfill from 1972 until 1978. The Michigan Department of Public Health (MDPH) approved Acme's Solid Waste Disposal Area License in 1971 with the stipulations that no refuse be disposed of below the 710 foot elevation (mean sea level) that the final cover contained at least twenty percent clay, and that monitoring wells be installed. In 1973, landfill licensing and oversight were transferred from the MDPH to the Michigan Department of Natural Resources (MDNR). During its oversight, the MDNR documented that slurry and sludge wastes from local industries were being dumped at the landfill, allowed to dry, and then covered. The Site's license was renewed annually through 1977. It was closed in August of 1978 when it reached capacity. Public concerns over the water quality in nearby Iris Creek prompted the Mason County DPW and the MDNR to review closure activities at the site.

In 1983, the Mason County DPW received a grant from the State of Michigan for improvements to the landfill. A clay cap was completed and berms and storm drains were constructed to improve Site drainage. Two surface aerators were installed in Babbin Pond to help aerate the pond and facilitate biodegradation of organic matter. Fifteen gas vents were placed into the top of the landfill.

Ludington, Michigan has a population of about 9,500. The population of Mason County has been estimated at 26,400 based on the 1980 census. The population within a three mile radius of the Site has been estimated at 1,112.

Just north of the Site are heavily wooded areas and orchards are located to the east and south of the Site. The topography varies from relatively level upland areas south and east of the landfill to steep valleys north of the landfill. The landfill is generally a valley fill with a maximum depth estimated to be 40 to 50 feet.

Surface waters which the Site affected included Iris Creek, the Pere Marquette River, Pere Marquette Lake, and Lake Michigan. The headwaters of Iris Creek are located less than 500 feet from the landfill and consist of a wet, marshy area southwest of Babbin Road. Water from the marshy area drains into Babbin Pond, which discharges directly into Iris Creek. Iris Creek discharges into Pere Marquette River, which discharges into Lake Michigan. A pumped-storage power reservoir operated by Consumers Energy Company is located approximately one half mile south of the Site. Lake Michigan is the main drinking water source in the area and is the City of Ludington's water supply. In rural Pere Marquette Township, residents generally depend on small domestic wells screened in sand and gravel aquifers for potable water supplies. Fourteen residential wells are within about a half mile radius of the landfill that vary in depth from 30 to 150 feet below ground surface.

Other water uses in the area include large capacity wells that produce salt brine for industrial use. A salt brine well about 1,000 feet west of the landfill is screened in an aquifer at a depth of 450 feet. The brine aquifer is separated from the overlying aquifers used for potable water by more than 300 feet of low permeability glacial till.

Mason County is underlain by bedrock formations at depths from 300 to 700 feet. The Mississippi Age Coldwater Shale lies beneath the landfill Site at a depth of 650 feet. The formation is predominantly shale with occasional interbeds of sandstone and limestone.

A U.S. EPA Field Investigation Team (FIT) inspected the landfill Site in May 1982. The team sampled and analyzed the existing monitoring wells at the site. Based on this investigation, the Site was assigned a hazard ranking system score of 34.18, a score high enough to qualify it for inclusion on the National Priority List (NPL). This score was arrived at based primarily on the presence in groundwater of ethyl-benzene, pentachlorophenol, trichloroethene, 1,2

trans-dichloroethene, and 1,1-dichloroethene. The Site was proposed for the Federal National Priorities List (NPL) on December 30, 1982. The listing was finalized on September 8, 1983.

U.S. EPA conducted a Remedial Investigation (RI) at the Site through the use of its contractor, CH2M Hill. The RI included two phases of sampling events. Phase I of the RI fieldwork was conducted from September to November 1986 and Phase II was conducted between October 1987 and January 1988. The RI at the Site included the following:

1. Review and evaluation of past investigations as well as historical practices and other records relating to the Site. (RI Phase I)
2. Extensive aquifer sampling and water level measurements (in both the upper and lower aquifers) to determine groundwater quality, flow directions, and gradients. (RI Phase I and II)
3. Evaluation through an electromagnetic geophysical survey to determine whether existing landfill monitoring wells were properly positioned to interpret potential plumes originating from the Site. (RI Phase II)
4. Sampling within the wetland, Babbin Pond, and Iris Creek to define the Site's impact on surface waters and sediment. The base flow in Iris Creek was determined to help estimate groundwater discharge rates into the creek. (RI Phase I and II)
5. Soil borings and the gamma logging of existing monitoring wells were conducted to help define the geology of the Site. (RI Phase I and II)
6. Sampling of the Site's gas vents and ambient air accrued to determine the Site's impact on air quality. (RI Phase I and II)
7. Surface soil samples were taken to determine if erosion along the northern side of the Site presented a pathway of contaminant migration.

8. Samples from a drainage pipe leading from the Site to Iris Creek were taken to determine if groundwater and/or leachate were infiltrating into the pipe and therefore presenting a possible pathway of contaminant migration.

The Remedial Investigation (RI) for the site was completed in July 1988. A Feasibility Study (FS) was prepared for the site to evaluate potential remediations for the site. The FS also was completed in July 1988.

Based on the exposure pathways of the Feasibility Study (FS), two operable units or pathways were selected to be addressed: (1) Landfill contents, and (2) groundwater. The landfill contents operable unit addressed all materials contained beneath the existing Site cap, such as general refuse, sludges, possible

buried drums and the underlying soil contaminated by leachate. The landfill contents operable unit also addressed gas generated by the decomposing buried waste. The general remedial action goals for the landfill contents operable unit were to prevent direct contact with contaminant sources and to minimize future release of contaminants. The selected remedy for the landfill operable unit consisted of properly capping the landfill. The operable unit that directly addressed groundwater contamination and other potential off-site contamination was completed after more investigation had been done. These investigations included an assessment of the effectiveness of the new landfill cap called for in the September 28, 1988 ROD. The specific components of the selected remedy include: a RCRA subtitle C compliant soil/clay cap, a fence around the site, deed restrictions on and near the site to prohibit use of the shallow aquifer, and continued monitoring to assess the quality of groundwater and to monitor the effectiveness of the new cap. The Record of Decision (ROD) for the first operable unit was signed on September 28, 1988.

The results of on-site groundwater monitoring indicated that the landfill cap was effective in reducing the amount of contamination reaching the groundwater, resulting in a reduction of the number and levels of chemicals present in the groundwater. Prior to the construction of the upgraded cap a variety of chemicals including volatile, semivolatile and inorganic compounds were detected in several site wells, some at levels exceeding the Maximum Contaminant Level (MCL) set by U. S. EPA under the Safe Drinking Water Act, (benzene, antimony, cadmium, chromium, lead and nickel). After the landfill cap was repaired and upgraded however, many contaminants were no longer detected in the groundwater.

The groundwater operable unit addressed the shallow and deep aquifers. The general remedial action goals for the groundwater operable unit were to minimize migration of contaminants in groundwater and to prevent exposure to contaminants in residential wells. The ROD for this operable unit was signed September 27, 1993. The selected remedy was continued groundwater monitoring. The ROD documented that no further remedial action was necessary at this site beyond continuation of a monitoring program.

Construction of a RCRA subtitle C compliant soil/clay cap began on November 13, 1990 and was completed

on September 23, 1991. Institutional controls along with deed restrictions were put in place late 1991 at the Site.

A five-year review pursuant to OSWER Directive 9355.7-02 ("Structure and Components of Five-Year Reviews") was conducted at the Site. The Five-Year review was signed November 13, 1997.

EPA, with concurrence from the State of Michigan, has determined that all appropriate Fund-financed responses under CERCLA at the Mason County Landfill Superfund Site have been completed, and no further CERCLA response is appropriate in order to provide protection of human health and the environment. The long-term maintenance of the landfill cap and monitoring of the groundwater will continue to ensure that the effectiveness of the remedy is sustained. Therefore, EPA proposes to delete the Site from the NPL.

Dated: July 14, 1999.

**David A. Ullrich,**

*Acting Regional Administrator, Region V.*

[FR Doc. 99-18720 Filed 7-23-99; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 99-262, RM-9659]

#### Digital Television Broadcast Service; Spokane, WA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Spokane School District #81, licensee of station KSPS(TV), NTSC Channel \*7, Spokane, Washington, proposing the substitution of DTV Channel \*8 for station KSPS(TV)'s assigned DTV Channel \*39. DTV Channel \*8 can be allotted to Spokane, Washington, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 47-34-34 N. and 117-17-58 W. However, since the community of Spokane is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence by the Canadian government must be obtained for this allotment. As requested, we propose to modify station KSPS(TV)'s authorization to specify operation on DTV Channel \*8 at Spokane, Washington, with a power of 21.6 (kW)

and a height above average terrain (HAAT) of 558.

**DATES:** Comments must be filed on or before September 13, 1999, and reply comments on or before September 28, 1999.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John Crigler, Esq., Haley, Bader & Potts P.L.C., 4350 North Fairfax Drive, Suite 900, Arlington, Virginia 22203-1633 (Counsel for Spokane School District #).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-262, adopted July 19, 1999, and released July 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Digital television broadcasting.  
Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 99-18958 Filed 7-23-99; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 71

[OST Docket No. OST-99-5947]

RIN 2105-AC82

#### Standard Time Zone Boundary in the State of Nevada: Proposed Relocation

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the City of West Wendover, Nevada, DOT proposes to relocate the boundary between Pacific time and mountain time in the State of Nevada. DOT proposes to relocate the boundary in order to move West Wendover, Nevada from the Pacific Time Zone to the Mountain Time Zone.

**DATES:** Comments should be received by September 24, 1999 to be assured of consideration. Comments received after that date will be considered to the extent practicable. If the time zone boundary is changed as a result of this rulemaking, the effective date would be 2:00 a.m. PDT Sunday, October 31, 1999.

**ADDRESSES:** You may submit your comments and related material by one of the following methods:

(1) By mail to the Docket Management Facility (OST-1999-5947), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(2) By hand delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets,