

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 300**

[FRL-7007-4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of deletion of the Warwick Landfill Superfund site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Warwick Landfill Superfund site (Site), located in the Town of Warwick, Orange County, New York, from the National Priorities List (NPL). The NPL constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New York have determined that all appropriate response actions pursuant to CERCLA have been implemented; and, aside from monitoring, operation and maintenance, no further response actions pursuant to CERCLA are appropriate.

EFFECTIVE DATE: July 6, 2001.**FOR FURTHER INFORMATION CONTACT:**

Damian J. Duda, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, New York 10007-1866, (212) 637-4269.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Warwick Landfill Superfund site, Town of Warwick, Orange County, New York.

A Notice of Proposed Deletion and a Notice of Direct Final Deletion for the Site were published on August 15, 2000 (65 FR 49776-49777 and 65 FR 49739-49741, respectively). In these notices, EPA requested public comment on the proposed NPL deletion of the Site until September 15, 2000. During the 30-day comment period, EPA received correspondence offering critical comments. As a result of the critical comments, EPA published a Notice of Withdrawal of Direct Final Deletion of the Site on October 16, 2000 (65 FR 61112). EPA evaluated the comments received and prepared a Responsiveness Summary and has concluded after a review of the comments that the Site does not pose a significant threat to

public health or the environment. Copies of the Responsiveness Summary are available at the following repositories: Warwick Town Hall, 132 Kings Highway, Warwick, New York 10990, (914) 986-1120 and the Greenwood Lake Village Hall, Church Street, Greenwood Lake, New York 10925, (914) 477-9215. The Responsiveness Summary is also available in the Administrative Record File, located in the EPA Regional Office.

EPA identifies sites that appear to present a significant risk to public health or the environment, and it maintains the NPL as the active list of these sites. As described in 40 CFR 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for remedial action in the unlikely event that conditions at a site warrant such action. Deletion of a site from the NPL does not affect the liability of potentially responsible parties nor does it impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

Dated: June 14, 2001.

William J. Muszynski,*Acting Regional Administrator, Region II.*

Part 300, title 40 of Chapter I of the Code of Federal Regulations is amended as follows:

PART 300—[AMENDED]

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

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the site for "Warwick Landfill, Warwick, New York."

[FR Doc. 01-16809 Filed 7-5-01; 8:45 am]

BILLING CODE 6560-50-U**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

RIN 1018-AG38

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Spruce-fir Moss Spider**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

SUMMARY: We, the Fish and Wildlife Service (Service), designate critical habitat for the spruce-fir moss spider (*Microhexura montivaga*), under the Endangered Species Act of 1973, as amended (Act). The areas designated as critical habitat include portions of Avery, Caldwell, Mitchell, Swain, and Watauga Counties, in North Carolina and Sevier and Carter County in Tennessee. The areas designated as critical habitat for the spider are within the boundaries of the Great Smoky Mountains National Park (GSMNP); the Pisgah National Forest, and the Cherokee National Forest; and an area privately owned but is being managed by The Nature Conservancy through an agreement with the landowner.

We have revised the proposal to incorporate or address all relevant comments and other information received during the comment periods. This action comes as a result of a lawsuit filed against us by the Southern Appalachian Biodiversity Project and the Foundation for Global Sustainability. Section 7(a)(2) of the Act requires that Federal agencies must ensure that actions they fund, permit, or carry out are not likely to result in the destruction or adverse modification of critical habitat. State or private actions, with no Federal involvement, would not be affected by this rulemaking action.

DATES: This rule becomes effective on August 6, 2001.

ADDRESSES: Comments and materials received, as well as supporting documentation used in preparation of this final rule, will be available for public inspection, by appointment, during normal business hours at the Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801.

FOR FURTHER INFORMATION CONTACT: John Fridell, Fish and Wildlife Biologist, at the address above (telephone 828/258-3939, extension 225; facsimile 828/258-5330).

SUPPLEMENTARY INFORMATION: