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[FR Doc. 01-15618 Filed 6-20-01; 8:45 am]

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**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 300**

[FRL-6999-9]

**National Oil and Hazardous Substance
Pollution Contingency Plan; National
Priorities List****AGENCY:** Environmental Protection
Agency.**ACTION:** Direct final notice of deletion of
the Tomah Fairgrounds Landfill,
Superfund Site from the National
Priorities List.**SUMMARY:** The Environmental Protection
Agency (EPA) Region V is publishing a
direct final notice of deletion of the
Tomah Fairgrounds Landfill, Superfund
Site (Site), located in Tomah,
Wisconsin, from the National Priorities
List (NPL).

The NPL, promulgated pursuant to
section 105 of the Comprehensive
Environmental Response,
Compensation, and Liability Act
(CERCLA) of 1980, as amended, is
appendix B of 40 CFR part 300, which
is the National Oil and Hazardous
Substances Pollution Contingency Plan
(NCP). This direct final deletion is being
published by EPA with the concurrence
of the State of Wisconsin, through the
Wisconsin Department of Natural
Resources because EPA has determined
that all appropriate response actions
under CERCLA have been completed
and, therefore, further remedial action
pursuant to CERCLA is not appropriate.

DATES: This direct final deletion will be
effective August 20, 2001 unless EPA
receives adverse comments by July 23,
2001. If adverse comments are received,
EPA will publish a timely withdrawal of
the direct final deletion in the **Federal
Register** informing the public that the
deletion will not take effect.

ADDRESSES: Comments may be mailed
to: David Linnear, Remedial Project
Manager (RPM) at (312) 886-6104,
Linnear.David@EPA.Gov or Gladys
Beard, State NPL Deletion Process
Manager at (312) 886-7253,
Beard.Gladys@EPA.Gov, (mail code:
SR-6J), U.S. EPA Region V, 77 W.
Jackson, Chicago, IL 60604 or at 1-800-
621-8431.

Information Repositories:

Comprehensive information about the
Site is available for viewing and copying
at the Site information repositories
located at: U.S. EPA Region V Library,

77 W. Jackson, Chicago, IL 60604, (312)
353-5821, Monday through Friday 8:00
a.m. to 4:00 p.m.; Tomah Public Library,
716 Superior Ave., Tomah, WI 54660,
Monday through Thursday 9:00 a.m. to
8:00 p.m. and Friday and Saturday 9:00
a.m. to 5:00 p.m.; Wisconsin Department
of Natural Resources, 101 S. Webster
Street, Madison, Wisconsin, (608) 266-
2111, Monday through Friday 7:45 a.m.
to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

David Linnear, Remedial Project
Manager at (312) 886-6104,
Linnear.David@EPA.Gov or Gladys
Beard, State NPL Deletion Process
Manager at (312) 886-7253,
Beard.Gladys@EPA.Gov or 1-800-621-
8431, (SR-6J), U.S. EPA Region V, 77 W.
Jackson, Chicago, IL 60604.

SUPPLEMENTARY INFORMATION:**Table of Contents**

- I. Introduction
- II. NPL Deletion Criteria
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- V. Deletion Action

I. Introduction

EPA Region V is publishing this direct
final notice of deletion of the Tomah
Fairgrounds Landfill, Superfund Site
from the NPL.

The EPA identifies sites that appear to
present a significant risk to public
health or the environment and
maintains the NPL as the list of those
sites. As described in 300.425(e)(3) of
the National Oil and Hazardous
Substances Pollution Contingency Plan
(NCP), sites from the NPL remain
eligible for remedial actions if
conditions at a deleted site warrant such
action.

Because EPA considers this action to
be noncontroversial and routine, EPA is
taking it without prior publication of a
notice of intent to delete. This action
will be effective August 20, 2001 unless
EPA receives adverse comments by July
23, 2001 on this document. If adverse
comments are received within the 30-
day public comment period on this
document, EPA will publish a timely
withdrawal of this direct final deletion
before the effective date of the deletion
and the deletion will not take effect.
EPA will, as appropriate, prepare a
response to comments and continue
with the deletion process on the basis of
the notice of intent to delete and the
comments already received. There will
be no additional opportunity to
comment.

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 Tomah Fairgrounds
Superfund Site and demonstrates how it
meets the deletion criteria. Section V
discusses EPA's action to delete the Site
from the NPL unless adverse comments
are received during the public comment
period.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP
provides that releases may be deleted
from the NPL where no further response
is appropriate. In making a
determination to delete a release from
the NPL, EPA shall consider, 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;

ii. All appropriate Fund-financed
(Hazardous Substance Superfund
Response Trust Fund) response under
CERCLA has 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, the taking
of remedial measures is not appropriate.

Even if a site is deleted from the NPL,
where hazardous substances, pollutants,
or contaminants remain at the deleted
site above levels that allow for
unlimited use and unrestricted
exposure, CERCLA section 121(c), 42
U.S.C. 9621(c), requires that a
subsequent review of the site be
conducted at least every five years after
the initiation of the remedial action at
the deleted site to ensure that the action
remains protective of public health and
the environment. If new information
becomes available which indicates a
need for further action, EPA may initiate
remedial actions. Whenever there is a
significant release from a site deleted
from the NPL, the deleted site may be
restored to the NPL without application
of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to
deletion of the Site:

(1) The EPA consulted with
Wisconsin on the deletion of the Site
from the NPL prior to developing this
direct final notice of deletion.

(2) Wisconsin concurred with
deletion of the Site from the NPL.

(3) Concurrently with the publication
of this direct final notice of deletion, a
notice of the availability of the parallel
notice of intent to delete published
today in the "Proposed Rules" section
of the **Federal Register** is being
published in a major local newspaper of
general circulation at or near the Site

and is being distributed to appropriate federal, state, and local government officials and other interested parties; the newspaper notice announces the 30-day public comment period concerning the notice of intent to delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the deletion in the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this document, EPA will publish a timely notice of withdrawal of this direct final notice of deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis For Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Location

The Tomah Fairgrounds Landfill Site (Site) covers approximately 15 acres within the boundaries of the 37.5-acre fairgrounds, in Tomah, Monroe County, Wisconsin. The Site is situated at the south edge of town and is a grass-covered open field that is used as a parking lot during fairground events. Land uses to the west are agricultural, to the east, commercial/industrial and to the north and south, residential.

Site History

The Site was used and operated by the City of Tomah as a disposal site from 1955 until 1960. Waste disposal methods consisted of excavating 6 to 8 feet of soil, land filling waste materials, placing a cover consisting of previously excavated topsoil and final grading. Some material disposed of in the landfill may have been burned before it was buried. No disposal records regarding the types or quantities of material buried were maintained.

In 1984, U.S. EPA's Field Investigation Team, with the assistance of the Wisconsin Department of Natural Resources, conducted a preliminary assessment of the Site. The assessment raised concerns about the possible effects of disposal directly into an aquifer and the potential for direct contact with hazardous substances because of erosion of the landfill cap. EPA added the site to the National Priorities List on July 21, 1987.

In September, 1996, the City of Tomah signed an agreement with the Wisconsin Department of Natural Resources under which the City agreed to monitor groundwater for at least 10 years in order to evaluate the progress of natural attenuation; and to maintain zoning and deed restrictions so as to restrict the use of ground water and preclude residential use of the land at the Site.

Remedial Investigation (RI)

EPA conducted a remedial investigation of the site in two phases. Phase 1 took place in 1993. It collected ground water and soil samples in order to characterize the nature and extent of contamination and associated exposure risks. The results of this sampling indicated that additional samples were needed to adequately characterize the site. Accordingly, EPA moved on to Phase 2 of the RI in 1995. Field investigations for the Phase 2 RI included sampling of surface soils on and off the landfill and installation of monitoring wells for sampling groundwater. The results of surface soil

sampling showed no contaminants in excess of Wisconsin standards, except for one sample showing a lead level higher than the state standard. Results of groundwater sampling showed an exceedance of the maximum contaminant level for vinyl chloride in one deep well. There were also exceedances of the maximum contaminant levels for arsenic, chromium, and lead, but only in unfiltered samples, indicating that the elevated metal concentrations were on the suspended solid fraction of the samples rather than dissolved in the water.

Characterization of Risk

EPA used the data collected during the RI to assess human health risks. Under the assumption that the site would continue to be used for recreational purposes, and not for residential development, and that groundwater would not be tapped for drinking water, EPA found no risks in excess of federal standards.

Record of Decision Findings

On September 26, 1996, the Regional Administrator signed a Record of Decision (ROD), selecting a remedy for the Tomah Fairgrounds Site. The ROD determined that "No Further Action" was appropriate due to deed restrictions limiting land use and an agreement between the WDNR and the City of Tomah requiring the City to monitor ground water to evaluate the progress of natural attenuation.

Monitoring Results To Date

The following tables present monitoring results for vinyl chloride, the primary contaminant of concern detected above federal standards in ground water at the Tomah Fairgrounds Site. (The MCL for vinyl chloride is 2 ug/l.) The monitoring results reported here include results from EPA's Remedial Investigation and from the City of Tomah's periodic sampling. No exceedances of the MCL have occurred since 1995.

MONITORING WELL RESULTS FOR VINYL CHLORIDE

[ug/l]

	MW1	MW2	MW3	MW4S S	MW4D
8/18/95	<0.50 ..	<0.50 ..	<0.50 ..	<0.50 ..	6.0
9/20/95	<0.50 ..	<0.50 ..	<0.50 ..	<0.50 ..	9.0
1/09/97 .....	. .....	. .....	. .....	. .....	0.90
7/01/97	<0.20 ..	<0.20 ..	<0.20 ..	<0.20 ..	0.32
12/31/97 .....	. .....	. .....	. .....	. .....	<0.23
6/24/98	<0.20 ..	<0.20 ..	<0.20 ..	<0.20 ..	<0.20

	MW1	MW2	MW3	MW4S S	MW4D
12/14/98 .....	. .....	. .....	. .....	. .....	<0.20
6/04/99	<0.20 ..	<0.20 ..	<0.20 ..	<0.20 ..	<0.201
12/21/99 .....	. .....	. .....	. .....	. .....	<0.20
6/29/00	<0.19 ..	. .....	. .....	<0.19 ..	<0.19
8/2/00 .....	. .....	<0.19 ..	<0.19 ..	. .....	.

PRIVATE WELL RESULTS FOR VINYL CHLORIDE

[ug/l]

	DANA	RANDAL L	SAMPSON	SCHAPPE
8/19/91	<1.00 ..	<1.00	<1.00	
2/10/92	<0.50 ..	<0.50 ....	. ....	<0.50
7/12/93	<1.00 ..	<1.00	<1.00	.
6/29/00	<0.12 ..	<0.12 ....	. ....	<0.12
8/15/00 .....	. .....	. ....	<0.15	.

Five-Year Review

Because hazardous substances will remain at the site, EPA committed itself in the Record of Decision to conduct a review of the "no further action" remedy at least every five years. These reviews will be conducted pursuant to CERCLA 121 (c) and as provided in the current guidance on Five Year Reviews: OSWER Directive 9355.7-02, Structure and Components of Five-Year Reviews, May 23, 1991; OSWER Directive 9355.7-02A, Supplemental Five-Year Review Guidance, July 26, 1994, the Second Supplemental Five-Year Review Guidance, December 21, 1995, or other EPA guidance current at the time of the review. The first Five-Year Review will be completed by September 30, 2001.

Community Involvement

Public participation activities have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617. Documents in the deletion docket which EPA relied on for recommendation of the deletion from the NPL are available to the public in the information repositories.

V. Deletion Action

The EPA, with concurrence of the State of Wisconsin, has determined that all appropriate responses under CERCLA have been completed, and that no further response actions, under CERCLA, other than five-year reviews, are necessary. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective August 20, 2001 unless EPA receives adverse comments by July 23, 2001. If adverse comments are received within the 30-day public

comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion and it will not take effect and, EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: June 12, 2001.

David A. Ullrich,

Acting Regional Administrator, Region 5.

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

Authority: 42 U.S.C. 9601-9657; 33 U.S.C. 1321(c)(2); 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 under Wisconsin "WI" by removing the entry for "Tomah Fairgrounds".

[FR Doc. 01-15479 Filed 6-20-01; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 36**

[CC Docket No. 80-286; FCC 01-162]

Jurisdictional Separations Reform and Referral to the Federal-State Joint Board

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts rules to implement a five-year interim "freeze" of the jurisdictional separations process in order to simplify and stabilize the separations process pending more comprehensive separations reform. This action is based upon a Recommended Decision issued in July 2000 by the Federal-State Joint Board on Jurisdictional Separations.

DATES: Effective June 21, 2001 except for § 36.3(b), which contain information collection requirements that have not been approved by the Office of Management Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of that section.

FOR FURTHER INFORMATION CONTACT: Eric Einhorn or Andrew Firth, Common Carrier Bureau, Accounting Policy Division, (202) 418-7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in CC Docket No. 80-286 released on May 21, 2001. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 Twelfth Street, SW., Washington, DC, 20554.