

delete the Red Penn Landfill Site from the NPL.

The Red Penn Landfill is located approximately 1.5 miles southeast of Pewee Valley in Oldham County, Kentucky. Shelby County lies to the east and southeast of the site, and Jefferson County lies to the south and southwest. Floyds Fork Creek bounds the property on the east and southeast sides while an unnamed creek tributary, which runs along Kentucky State Route 362, forms the southwest boundary. Hawley Gibson Road forms the northwest property boundary.

The landfill was operated as an unlined waste disposal facility between 1954 and late 1986. Although, the facility was permitted by the local authority to accept only sanitary waste, the operators allowed industrial wastes to be placed in the landfill. Paint waste, sludge, drawing solution from copper wire curing, and scrap varnish were some of the materials found in drums which were buried in the landfill. The Kentucky Division of Waste Management (KDWM) discovered that the landfill operator accepted unauthorized wastes which were potentially hazardous at the facility in 1986, and ordered that the wastes be removed and disposed of at appropriate locations. Approximately 154 tons of hazardous materials and contaminated soil were removed under the order. Additional waste removal required of the operators were never conducted and when the facility was shut down by KDWM in 1987, for improper operations and violation of permit requirements, it was not properly closed.

The site was scored by KDWM in 1987, after the results of a preliminary assessment and site investigation indicated that surface water and groundwater in the area could be affected adversely by the site. A major source of drinking water in the area is the Laurel aquifer which is exposed at the landfill and the Floyds Fork Creek is used locally for recreational fishing. On the basis of high hazard ranking system results, the site was listed on the NPL by EPA in 1989. Following the listing, a fund-lead remedial investigation was conducted on the site. After a careful evaluation of all exposure routes, estimated carcinogenic and non-carcinogenic health risks, and ecological impacts, EPA concluded in 1993, that the landfill does not pose an unacceptable risk to human health and the environment. However, because the landfill was not properly closed, EPA advised KDWM to ask the responsible parties to implement an appropriate corrective action at the site. As planned by EPA and KDWM, the Record of

Decision indicating no further EPA action at the site was issued in September 2000, to coincide with the completion of the necessary corrective action.

The responsible parties submitted a draft scope of work for a landfill cap to KDWM in 1994. The proposal was finalized in 1998. KDWM and the responsible parties signed an Agreed Order in August 1999, requiring the responsible parties to design and install an approved cap on the landfill. The cap design included landfill regrading, installation of a geosynthetic clay liner and clean dirt, grass planting, and site monitoring. Construction of the cap was completed in September 2000, under KDWM supervision. The final inspection conducted by KDWM in October 2000, concluded that the corrective action implemented at the site was satisfactory.

#### V. Action

In view of the satisfactory completion of the corrective action taken by the responsible parties at the Red Penn Site, EPA notified the Commonwealth of Kentucky on April 5, 2001, of the intent to delete the site from the NPL. In its letter of April 15, 2001, the Commonwealth concurred that no further CERCLA action is necessary at the site and that the deletion action is appropriate. The site does not pose a threat to human health and the environment and it continues to be monitored by the responsible parties under state authority. In the event of a significant future release of contamination that may impact human health or the environment, EPA may initiate appropriate CERCLA actions in accordance with the NCP.

#### VI. State Concurrence

As stated above, the Commonwealth of Kentucky, in a letter dated April 15, 2001, concurred with EPA that the criteria for deletion of the NPL listing have been met. Therefore, EPA is deleting the Red Penn Landfill Site from the NPL, effective on June 29, 2001. However, if EPA receives dissenting comments by June 28, 2001, EPA will publish a document that withdraws this action.

#### List of Subjects in 40 CFR Part 300

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

Dated: May 14, 2001.

**A. Stanley Meiburg,**

*Acting Regional Administrator, U.S. EPA Region 4.*

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 listing under Kentucky for the “Red Penn Sanitation Co. Landfill”.

[FR Doc. 01–17557 Filed 7–13–01; 8:45 am]

**BILLING CODE 6560–50–P**

### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### 44 CFR Part 64

[Docket No. FEMA–7765]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community's suspension is the third date (“Susp.”) listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Ed Pasterick, Division Director, Program Marketing and Partnership Division, Federal Insurance Administration and Mitigation Directorate, 500 C Street,

SW., Room 429, Washington, DC 20472, (202) 646-3098.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to

the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

**National Environmental Policy Act.** This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act.** The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts

adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

**Regulatory Classification.** This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

**Paperwork Reduction Act.** This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**Executive Order 12612, Federalism.** This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

**Executive Order 12778, Civil Justice Reform.** This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

#### List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

#### PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

#### § 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current Effective Map Date	Date certain Federal assistance no longer available in special flood hazard areas
<b>Region I</b>				
Massachusetts: Holbrook, town of Norfolk County.	255212	July 31, 1970, Emerg.; January 2, 1976, Reg. July 5, 2001.	July 5, 2001 .....	July 5, 2001.
<b>Region III</b>				
Pennsylvania: Buffalo, township of, Butler County.	421416	July 7, 1975, Emerg.; January 18, 1984, Reg. July 5, 2001.	.....do .....	Do.
Virginia: Purcellville, town of, Loudoun County.	510231	July 30, 1976, Emerg.; November 15, 1989, Reg. July 5, 2001.	.....do .....	Do.
<b>Region II</b>				
New Jersey: Chatham, borough of Morris County .....	340338	January 28, 1972, Emerg.; February 14, 1976, Reg. July 19, 2001.	July 19, 2001. ...	July 19, 2001.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current Effective Map Date	Date certain Federal assistance no longer available in special flood hazard areas
Chatham, township of, Morris County ...	340504	April 22, 1975, Emerg.; May 15, 1980, Reg. July 19, 2001.	.....do .....	Do.
Frenchtown, borough of, Hunterdon County.	340234	January 15, 1974, Emerg.; March 16, 1981, Reg. July 19, 2001.	.....do .....	Do.
Phillipsburg, borough of, Warren County.	340493	January 28, 1972, Emerg.; January 16, 1981, Reg. July 19, 2001.	.....do .....	Do.
<b>Region V</b>				
Ohio:				
Brooklyn Heights, village of, Cuyahoga County.	390101	May 16, 1975, Emerg.; June 15, 1981, Reg. July 19, 2001.	.....do .....	Do.
Cuyahoga Heights, village of, Cuyahoga County.	390654	June 18, 1976, Emerg.; June 15, 1981, Reg. July 19, 2001.	.....do .....	Do.
Glouster, village of, Athens County .....	390018	July 18, 1975, Emerg.; July 19, 2001 .....	.....do .....	Do.
Independence, city of, Cuyahoga County.	390111	July 22, 1975, Emerg.; February 18, 1981, Reg. July 19, 2001.	.....do .....	Do.

Code for reading third column:  
Emerg.—Emergency; Reg.—Regular;  
Susp.—Suspension.

Dated: July 3, 2001.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance,  
Administration and Mitigation.*

[FR Doc. 01-17640 Filed 7-13-01; 8:45 am]

**BILLING CODE 6718-05-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-1538; MM Docket No. 01-63; RM-10075]

### Radio Broadcasting Services; Kingman and Dolan Springs, AZ

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In response to a proposal filed on behalf of Hualapai Broadcasters, Inc., licensee of Station KRCY(FM), Kingman, Arizona, the Commission substitutes Channel 224C for Channel 224C1 at Kingman, reallots Channel 224C to Dolan Springs, Arizona, as that community's second local aural transmission service, and modifies the license for Station KRCY(FM) accordingly pursuant to the provisions of Section 1.420(i) of the Commission's Rules. See 66 FR 14871, March 14, 2001. Coordinates used for Channel 224C at Dolan Springs 35-35-31 NL and 114-16-21 WL

**DATES:** Effective August 13, 2001.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01-63, adopted June 20, 2001, and released June 29, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Channel 224C at Dolan Springs and by removing Channel 224C1 at Kingman.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 01-17635 Filed 7-13-01; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-1543; MM Docket No. 00-159; RM-9889]

### Radio Broadcasting Services; Thermopolis and Story, WY

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Legend Communications of Wyoming, L.L.C. (formerly Idaho Broadcasting Consortium, Inc.), substitutes Channel 252C1 for Channel 252C2 at Thermopolis, Wyoming, reallots Channel 252C1 from Thermopolis to Story, Wyoming, and modifies Station KHWCFM's construction permit accordingly. See 65 FR 55930, September 15, 2000. Channel 252C1 can be reallotted to Story in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's requested site. The reference coordinates for Channel 252C1 at Story are 44-34-28 North Latitude and 106-52-14 West Longitude.

**DATES:** Effective August 13, 2001.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00-159, adopted June 20, 2001, released June 29, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center