

and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements.

Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: May 2, 1997.

Felicia Marcus,

Regional Administrator.

[FR Doc. 97-12627 Filed 5-13-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH104-1b; FRL-5822-6]

Approval and Promulgation of Implementation Plans; Ohio Ozone Maintenance Plan

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Ohio on July 9, 1996, and January 31, 1997, which would provide greater flexibility for the State of Ohio in selecting a volatile organic compound emission reduction measure or measures to address a future ozone standard violation. In the Final Rules section of this **Federal Register**, USEPA is approving this SIP revision as a direct final rule without prior proposal because the agency views this as a noncontroversial revision and

anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. However, if the USEPA receives significant adverse comments which have not been previously addressed, the direct final rule will be withdrawn and the public comments received will be addressed in a subsequent final rule based on this proposed rule. The USEPA does not plan a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by June 13, 1997.

ADDRESSES: Copies of the revision request are available for inspection at the following address:

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone John Paskevicz at (312) 886-6084 before visiting the Region 5 Office.) Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, at (312) 886-6084.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

Authority: 42 U.S.C. 7401-7671q.

Dated: April 23, 1997.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 97-12632 Filed 5-13-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5824-7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Southside Sanitary 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 Southside Sanitary Landfill Site (the 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 responses under CERCLA have been implemented and U.S. EPA, in consultation with the State of Indiana (the State), has determined that no further response actions are appropriate. Moreover, 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 June 13, 1997.

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: Indianapolis Public Library, 40 East St. Clair Street, Indianapolis, IN 46204 and the Indiana Department of Environmental Management (IDEM), Office of Environmental Response, 2525 North Shadeland Avenue, (2nd Floor), Indianapolis, IN 46219. 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: 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 Dave Novak (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-9840.

SUPPLEMENTARY INFORMATION:

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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 Southside Sanitary 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 Section 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 notice in the **Federal Register**.

Section II of this notice 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. The Site can be restored to the NPL, if at anytime a significant release from the Site poses a threat to the surrounding environment or human health.

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 will 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; 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** notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announces 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 Southside Sanitary Landfill (the Site) is located on the west bank of the White River, where it joins with Eagle Creek, one-half mile south of the intersection of Kentucky Avenue and Warman Road located in Indianapolis, IN. Landfill operations at this site began in 1971. The initial operation was based on a cut and fill procedure. A trench, approximately 100 feet wide and 8 feet deep, was excavated, filled with solid waste, and then covered. After trenching was found to expose sand and/or gravel pockets, a compacted soil liner was placed under the fill. In 1981, operations switched to the area method of filling, which consists of dumping, spreading, and covering.

Groundwater monitoring for contamination at the landfill began in 1973 when the United States Geological Survey installed 224 wells around the portion of the landfill permitted to accept waste. In 1984, U.S. EPA contractors conducted a site inspection at the facility to acquire the data needed for a Hazard Ranking System scoring. On-site wells sampled indicated the presence of heavy metals in the groundwater at the facility. The

groundwater sampling conducted at the Site can be divided into two major categories for the purpose of groundwater quality analyzed: (1.) The routine parameter analysis conducted from 1973–1984, which included only a few inorganic and organic parameters, and (2.) Expansion of the routine parameter analysis by the State agency monitoring programs to include additional inorganic and organic parameters. These monitoring programs served as an independent check on the landfill's quarterly water data. The metal analyses from all wells sampled in 1984 were below Maximum Contaminant Levels (MCLs). Only the iron and manganese results exceeded secondary MCLs in both upgradient and downgradient wells.

In 1985, the operators signed an Agreed Order with the Indiana State Board of Health to correct drainage problems identified on the landfill surface. The Agreed Order, which also permitted vertical expansion of the facility, served as the operating permit for the Site until a Solid Waste Facility Permit FP #49-1 was issued by the State in July 1996. The Site was scored and nominated for the NPL in 1986, and finalized on the NPL in March 1989.

The first public meeting was conducted at the beginning of the Remedial Investigation (RI) process in September 1992, at the Indiana Government Center South located in Indianapolis. The final public meeting was conducted in June 1995, after completion of the RI and development of a Proposed Plan for Remedial Action. Before the public meeting, IDEM prepared Fact Sheets describing site activities which were mailed to the local residents, officials and media for information. IDEM as the lead agency in consultation with U.S. EPA, set a public comment period from June 19, to July 19, 1995. This comment period included a public meeting where U.S. EPA and IDEM discussed the RI report findings, the Proposed Plan, answered any questions, and received formal comments.

The Record of Decision (ROD) was signed by IDEM's Commissioner on September 14, 1995. The selected remedy for this site is no further action. The Site operators had previously undertaken specific remedial measures in an attempt to decrease any threat of release of contaminants from the Site. The measures included installation of a hydraulic cut-off barrier and leachate collection system.

These actions were undertaken to comply with the requirements of an Agreed Order (AO) signed between the South Side Landfill, Inc., under Cause

No. N-243, approved on November 25, 1986. The AO provided for construction and installation of a hydraulic cut-off barrier and leachate collection system. Additionally the AO required the following: a performance monitoring system, cover and grading requirements, operating procedures, meeting closure and post-closure procedures and requirements, and the establishment of both closure and post-closure funds. This site is currently regulated under a State issued permit (FP #49-1). The remedial action requirements as stated in the Agreed Order (dated February 1990) have been incorporated into the current permit, which requires regular inspections and monitoring schedules for a 30-year post-closure period of the landfill. The permit (FP #49-1) was issued under the state authority IC 13-15-7.

The Remedial Investigation results and risk assessment evaluation established that the chemical contamination discovered at the Site, with current remedial measures in place, does not pose an unacceptable risk to the environment and human health. However, as waste was left in place and contained, a 5-year review of site status which includes a physical inspection of the Site and a review of monitoring data is recommended.

EPA, with concurrence from the State of Indiana, has determined that all appropriate Fund-financed responses under CERCLA at the Southside Sanitary Landfill Superfund Site have been completed, and no further CERCLA response is appropriate in order to provide protection of human health and the environment. Therefore, EPA proposes to delete the Site from the NPL.

Dated: May 1, 1997.

Michelle D. Jordan,

Acting Regional Administrator, U.S. EPA, Region V.

[FR Doc. 97-12375 Filed 5-13-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CS Docket No. 97-98; DA 97-894]

Amendment of Rules and Policies Governing Pole Attachments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time period.

SUMMARY: The Cable Services Bureau, released an *Order* which denied in part and granted in part, the Motion for Extension of Time filed by AEP Service Corporation, Commonwealth Edison Company, Duke Power Company, Florida Power and Light Company and Northern States Power Company in Amendment of Rules and Policies Governing Pole Attachments, 62 FR 18074 (April 14, 1997) ("Notice of Proposed Rulemaking"). The Bureau found that good cause existed to grant a 45-day extension of time to file initial comments.

DATES: Comments are now due on or before June 27, 1997 and Reply Comments are now due on or before July 28, 1997.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Elizabeth W. Beaty, Cable Services Bureau, (202) 418-7200, TTY (202) 418-7172.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Cable Services Bureau's *Order*, CS Docket No. 97-98, DA 97-894, adopted April 28, 1997 and released April 29, 1997, in the Notice of Proposed Rulemaking. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1919 M Street, NW., Washington, DC 20554. For copies in alternative formats, such as braille, audio cassette, or large print, please contact Sheila Ray at International Transcription Service.

Synopsis of the Order

1. On March 14, 1997, the Commission commenced a rulemaking proceeding to propose modifications to the Commission's rules relating to the maximum just and reasonable rates utilities may charge for attachments to a pole, duct, conduit or right-of-way. Comments are due May 12, 1997, and reply comments are due June 12, 1997.

2. On April 4, 1997, AEP Service Corporation, Commonwealth Edison Company, Duke Power Company, Florida Power and Light Company and Northern States Power Company ("Utilities") filed a Motion for Extension of Time ("Motion") to file comments and reply comments. The Utilities request that the Commission grant a 60-

day extension to file initial comments and request that the reply period be increased from 30 to 45 days. The Utilities contend that the rulemaking addresses a complex subject matter which affects not only utilities, but telecommunications carriers and cable operators, and that an extensive review of the accounting systems used to compute a reasonable pole attachment rate may be necessary.

3. It is the policy of the Commission that extensions of time are not routinely granted. In view of the complexity of the issues presented, and in order to facilitate the development of a complete record in this proceeding, we find that good cause exists to grant an extension of time. We do not agree, however, that a 60-day extension of time to file initial comments and an increase from 30 to 45 days to file reply comments is warranted. Thus, we will grant a 45-day extension of time in which to file initial comments and will adjust the due date for reply comments accordingly, but we will not increase the length of the reply comment period. Thus, initial comments are due by June 27, 1997, and reply comments are due by July 28, 1997.

Ordering Clauses

4. Accordingly, *it is Ordered*, pursuant to Sections 0.321 and 1.46 of the Commission's rules, 47 CFR §§ 0.321 and 1.46, that the Motion for Extension of Time filed by AEP Service Corporation, Commonwealth Edison Company, Duke Power Company, Florida Power and Light Company and Northern States Power Company is *Granted* to the extent indicated herein and is *Denied* in all other respects.

5. *It is further Ordered* that all interested parties may file comments on the matters discussed in the Commission's Notice of Proposed Rulemaking by June 27, 1997, and reply comments by July 28, 1997.

List of Subjects in 47 CFR Part 1

Administrative practice and procedures, Communications common carriers, Investigations, Lawyers, Penalties, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Meredith J. Jones,

Chief, Cable Services Bureau.

[FR Doc. 97-12598 Filed 5-13-97; 8:45 am]

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