

integrity of the remedy constructed at the Site.

With the OU 1 Consent Decree, The Aspen/Pitkin Environmental Health Department has assured EPA and the State that all necessary ICs are in full force and effect within the Site boundary. The Consent Decree also includes reopeners in the event that the County were to repeal or disregard these ordinances. A Five-year Review conducted by EPA and completed on November 7, 1997, confirmed that these controls are in force and that the program is working.

A recent amendment to the OU 2 AOC has provided EPA and the State with indefinite O&M assurances. As stated in the AOC Amendment, the O&M Plan, as defined by the EE/CA, Action Memorandum and original workplan, will provide for maintenance of runoff control, dust control, restricted site access and site reclamation measures. This O&M Plan will become effective upon the termination of the permit with the Colorado Mined Land Reclamation Board and will be implemented by the PRP, Wright and Preusch Mining, LTD.

F. Community Relations

Community outreach at the Smuggler Mountain Superfund Site included: timely information about the Superfund process, ongoing communications, and opportunities for community participation in the decision-making process for the Site remedy. Specific activities included monitoring community concerns, preparation and mailing of fact sheets, coordination of community meetings and providing communication between EPA, the community and Pitkin County (and the other PRPs). EPA's outreach efforts to meet community needs and interests resulted in integral participation by the Aspen community and periodic revision(s) to the Site remedy.

V. Summary

The responsible parties have implemented all appropriate response actions required to sufficiently protect human health and the environment. Reports on lead speciation, bioavailability, and blood lead monitoring studies have concluded that children living on the Site are not at unacceptable risk due to exposure to lead in the soil. Also, this Site meets all the site completion requirements as specified in Close Out Procedures for National Priorities List Sites (OSWER Directive 9320.2-09). Further, O&M of the Site is assured via the OU 1 Consent Decree and the OU 2 AOC and AOC Amendment.

Because hazardous substances will remain at the site, EPA will conduct periodic inspections of the site to ensure that the remedy remains protective of human health and the environment. EPA is required to conduct such reviews under section 121(c) of CERCLA and the NCP.

EPA, with the concurrence of the State of Colorado, has determined that all appropriate response actions required by CERCLA at the Smuggler Mountain Site have been completed, and that no further cleanup by responsible parties is appropriate.

Dated: July 27, 1999.

Jack W. McGraw,

Acting Regional Administrator, Region 8.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1525, MM Docket No. 99-265, RM-9660]

Digital Television Broadcast Service; Monroe, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Noe Corporation, licensee of station KNOE-TV, NTSC Channel 9, Monroe, Louisiana, seeking the substitution of DTV Channel 7 for its assigned DTV Channel 55. DTV Channel 7 can be allotted to Monroe in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 32-11-45 N. and 92-04-10 W. As requested, we also propose to modify KNOE-TV's authorization to specify operation on DTV Channel 7 at Monroe, Louisiana, with a power of 5.0 (kW) and a height above average terrain (HAAT) of 519 meters.

DATES: Comments must be filed on or before September 24, 1999, and reply comments on or before October 12, 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: Robert B. Jacobi, Esq., Cohn and Marks, 1920 N Street, NW, Suite 300, Washington, DC, 20036 (Counsel for Noe Corporation).

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. 99-265, adopted July 30, 1999, and released August 3, 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.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AE89

Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule To List the Plant *Rumex orthoneurus* (Chiricahua Dock) as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), withdraw the proposed rule to list the plant *Rumex orthoneurus* (Chiricahua dock or Blumer's dock) as a threatened species under the Endangered Species Act of