

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 300****[SW-FRL-3911-3]****National Oil and Hazardous; Substance
Contingency Plan; The National
Priorities List****AGENCY:** Environmental Protection
Agency.**ACTION:** Notice of intent to delete
Wedzeb Enterprises site from the
National Priorities List: request for
comments.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete the Wedzeb Enterprises site from the National Priorities List (NPL) and requests public comment. The NPL is appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA, in consultation with the State, has determined that all appropriate response actions under CERCLA have been implemented and that no further cleanup is appropriate. Moreover, EPA and 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 Wedzeb Enterprises site may be submitted on or before April 4, 1991.

ADDRESSES: Comments may be mailed to Tinka G. Hyde, Remedial Project Manager, or Beverly J. Kush, Unit Chief, U.S. EPA—5HS-11, Office of Superfund, 230 S. Dearborn St., Chicago, Illinois 60604. The comprehensive information on the site is available at your local information repository located at: the Mayor's office, 201 East Main Street, Lebanon, Indiana, 46052.

Request for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office. Address for the Regional Docket Office is C. Freeman (5HS-12), Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, Illinois, 60640, (312) 886-6214.

FOR FURTHER INFORMATION CONTACT: Tinka C. Hyde, 5HS-11, Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, Illinois, 60604, (312) 886-9296 or Karen Martin, 5PA-14, Office of Public Affairs, Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, Illinois, 60604, (312) 886-6128.

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I. Introduction

The Environmental Protection Agency (EPA), Region V announces its intent to delete the Wedzeb Enterprises site from the National Priorities List (NPL), appendix B, of the National Oil and Hazardous Substances Contingency Plan (NCP), and requests comments on the 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 Hazardous Substance Superfund (Fund) financed remedial actions. Any sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that future conditions at the site warrant such action.

The site EPA intends to delete from the NPL is Wedzeb Enterprises, Lebanon, Indiana.

The EPA will accept comments on this proposed deletion for 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 the site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

The 1990 amendments to the NCP established the criteria the Agency uses to delete sites from the NPL. 40 CFR 300.425(e) provides that sites "may be deleted from or recategorized on the NPL where no further response is appropriate." In making this determination EPA will consider whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented; and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

For all remedial actions which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow unlimited use and unrestricted exposure, it is EPA's policy that sites generally will not be deleted from the NPL until at least one five-year review has been conducted. A five-year review is generally conducted after completion of all remedial actions at a site (except operation and maintenance), including appropriate actions taken to ensure that the site remains protective of public health and the environment, and when the site meets EPA's deletion criteria as outlined above. As stated under "Basis for Intended Deletion," the selected remedy for the Wedzeb site required the removal of the contaminated sewer sediments, RI-derived waste, and soil from the site. As a result of implementing this remedy, hazardous substances, pollutants, and contaminants were removed from the site allowing for unlimited use and unrestricted exposure. Therefore, consistent with the NCP § 300.430(f)(4)(ii), five-year reviews are not necessary for this site.

Before deciding to delete a site, EPA must make a determination that the remedy, or existing site conditions at sites where no action is required, is protective of public health, welfare, and the environment.

Deletion of the site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

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 EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for information purposes and to assist in Agency management.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) of the NCP has been met, EPA may formally begin deletion procedures. The first steps are preparing a Superfund Close-Out Report, obtaining State concurrence on the proposed deletion, and the updating of the local information repository and the Regional deletion docket. These actions have been completed. This Federal Register notice, and concurrent notice in the local newspaper in the vicinity of the

site, announce the initiation of a 30-day public comment period. The public is asked to comment on EPA's intention to delist the site from the NPL; all critical documents needed to evaluate EPA's decision are generally included in the information repository and the deletion docket.

Upon completion of the public comment period, the EPA Regional Office will prepare a Responsiveness Summary to evaluate and address concerns which were raised. The public is welcome to contract the EPA Regional Office to obtain a copy of this responsiveness summary, when available. If EPA still determines that deletion from the NPL is appropriate, a final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for intending to delete this Site from the NPL.

Wedzeb Enterprises Superfund Site, Lebanon, Indiana

The Wedzeb site is a three-quarter acre site located at 320 South Ballard Street in Lebanon, Indiana, about 30 miles northwest of Indianapolis.

On May 2, 1981, one of two warehouses located on the property was completely destroyed by a fire. The warehouse that was destroyed, located on the east side of the property, had been used as a storage facility for scrap material and used equipment or parts, including electrical capacitors and transformers containing polychlorinated biphenyls (PCBs). According to the company's inventory records, the warehouse contained at least seventy-seven tons of electrical capacitors, some of which exploded during the fire. PCBs are believed to have been released into the environment as a result of the fire, and contaminants are believed to have migrated to nearby ground surfaces. In addition, other organic compounds may have been created in the burning of PCBs, particularly dioxins and furans, and released into the environment as well.

Because of the potential threat to the health of nearby residents and to the environment, in May 1981, the Indiana State Board of Health and a U.S. EPA Technical Assistance Team collected samples of on-site soil and debris, as well as soot, waste water, and sanitary sewer sediment from near the site. Results from the Technical Assistance Team sample analysis showed concentrations of PCBs in sludge from the Lebanon Treatment Plant, as well as traces of dioxins and furans in the

sediments and other soil samples from locations on and near the site.

In December 1983, the site was listed on the National Priorities List (NPL). From 1981 to 1986, the State of Indiana and U.S. EPA made repeated efforts to get the site owner and operator of the Wedzeb site to undertake cleanup actions. However, these enforcement efforts were largely unsuccessful.

Based on previous sample analyses of site debris and surface soil, U.S. EPA commenced a removal action in April 1987, to remove the contaminated debris and surface soil from the site. Debris from the eastern warehouse and contaminated soil were removed from the site and replaced with clean fill material. After September 30, 1987, the U.S. EPA conducted a Remedial Investigation/Feasibility Study (RI/FS) to determine the nature and extent of contamination at the site.

The findings of the Final RI Report showed that the previous removal actions were adequate to protect human health and the environment, and that no unacceptable risk remained at the site for groundwater, soils, and warehouse surfaces. Therefore, the ROD which was issued by U.S. EPA on June 30, 1989 called for no further action for the groundwater, soils, and warehouse surfaces at the Wedzeb Enterprises site. However, to prevent potential future releases from the contaminated sewer line connected to the Lebanon Treatment Plant, the June 1989 ROD called for remediation of the contaminated sewer line.

Additional surface soil sampling was conducted by the Indiana Department of Environmental Management (IDEM) in August and December of 1989 in the southeast corner of the Wedzeb Enterprises site. IDEM personnel found isolated low-levels of PCB contaminated surface soil. IDEM personnel collected soil samples at thirteen locations along the southeastern edge of the site to a depth of 0 to 2 inches. Seven of the thirteen samples were below the 10 ppm PCB cleanup level. The remaining six samples ranged from 10.5 ppm to 39 ppm of PCBs. Based on the IDEM analytical sample results, a decision was made to remove and dispose of the contaminated soil in the southeast corner of the site. This decision was documented in an Explanation of Significant Differences (ESD) dated August 24, 1990.

The remedial action design criteria for removal of contaminated sediment from the sanitary sewer and soil excavation was based on cleanup levels stated in the Toxic Substance Control Act (TSCA) Spill Policy Guidance for soils. The TSCA guidance level is 10 parts per

million (ppm) for soils and sediment in nonrestricted areas.

Approximately 600 feet of sanitary sewer pipe from the manhole in Ballard Street, northeast of the site, to the manhole in Ryan Street between Superior Street and Pearl Street, was cleaned in April 1990. After the sanitary sewer has been cleaned and the wastewater had been removed, a television inspection of the pipe was conducted. The video taped results of the television inspection indicate that the sewer is structurally sound and clean from contamination.

A liquid sample collected from the wash water holding tank, and sediment samples collected from the bag filter were analyzed to determine the magnitude of PCB contamination. The analytical results from the liquid and sediment samples indicated no PCB contamination. Therefore, the wastewater was discharged to the sanitary sewer. The sediment and granular activated carbon were containerized and later composited with existing RI-derived waste during final remedial action activities completed in August 1990.

The final element of the remedial action was the excavation and removal of approximately 8 cubic yards of surficial soil to a depth of 3 to 6 inches in accordance with the ESD. During the soil excavation conducted in August 1990, 30 drums containing wastes generated during the RI and during the sanitary sewer remedial action were composited with the excavated soils and disposed of off-site.

The ROD and subsequent ESD for the Wedzeb Enterprises site required removal of the contaminated sewer sediments, RI-derived waste, and soil from the site. In addition, there is no equipment left on-site requiring operation and maintenance activities. Therefore, since there are no hazardous substances or equipment left at the site, there are no monitoring, operations, or maintenance requirements at the Wedzeb Enterprises site.

The community relations activities conducted during the Remedial Design/Remedial Action (RD/RA) for the Wedzeb Enterprises site included preparation of a remedial action fact sheet and public notice as well as convening an availability session. In addition, a press release was issued and an information repository was established for the ESD. The community relations activities have been ongoing since the inception of the removal action and RI and have been carried throughout the entire RD/RA process. The public reaction to U.S. EPA's

activities at the site has been positive. U.S. EPA plans to continue community relations activities throughout the deletion process.

EPA, in consultation with the State of Indiana, has determined that all appropriate Fund-financed responses under CERCLA have been implemented at the Wedzeb Enterprises site and that no further cleanup is appropriate.

Dated: February 25, 1991.

Robert Springer,

Acting Regional Administrator.

[FR Doc. 91-5154 Filed 3-4-91; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-45, RM-7608]

Radio Broadcasting Services; Lanai City, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Ivan N. Dixon, III, proposing the substitution of Channel 284C for Channel 284A at Lanai City, Hawaii, and modification of his construction permit (BPH-890503MQ) to specify the higher class channel. Channel 284C can be allotted to Lanai City in compliance with the Commission's minimum distance separation requirements at the site specified in the construction permit with a site restriction of 6.2 kilometers (3.8 miles) southeast of the community. The coordinates are North Latitude 20-48-23 and West Longitude 156-52-01. In accordance with Section 1.420(g) of the Commission's Rules, we shall not accept competing expressions of interest or require the petitioner to demonstrate the availability of an additional equivalent channel for use by interested parties.

DATES: Comments must be filed on or before April 22, 1991, and reply comments on or before May 7, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Gary S. Smithwick, Smithwick & Belendiuk, P.C., 2033 M Street, NW., suite 207, Washington, DC 20036 (Attorney for petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-45, adopted February 19, 1991, and released February 28, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st 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

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 91-5171 Filed 3-4-91; 8:45 am]

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47 CFR Part 73

[MM Docket No. 91-46, RM-7604]

Radio Broadcasting Services; Mount Sterling, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Brown County Broadcasting proposing the allotment of Channel 294B1 at Mount Sterling, Illinois, as the community's first local FM channel. Channel 294B1 can be allotted to Mount Sterling in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.4 kilometers (8.9 miles) southwest of the community, in order to avoid short-spacings to a construction permit for Station WKBBQ(FM), Channel 293C1, Granite

City, Illinois, and the licensed site of Station WSWT(FM), Channel 295B, Peoria, Illinois. The coordinates for this proposed allotment are North Latitude 39-57-22 and West Longitude 90-55-11.

DATES: Comments must be filed on or before April 22, 1991, and reply comments on or before May 7, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Gary S. Smithwick, Smithwick & Belendiuk, P.C., 2033 M Street, NW., suite 207, Washington, DC 20036 (Attorney for petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's notice of proposed rule making, MM Docket No. 91-46, adopted February 19, 1991, and released February 28, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st 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 of 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

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

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

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