

analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective 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 disapproval action being proposed does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. The proposed disapproval would not change existing requirements and does not impose a Federal mandate. If EPA were to disapprove the State's SIP submittal, pre-existing requirements would remain in place and State enforceability of the submittal would be unaffected. The action would impose no new 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, New source review, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 22, 1999.

David A. Ullrich,

Acting Regional Administrator, Region 5.
[FR Doc. 99–29303 Filed 11–8–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA–179–0194EC; FRL–6472–5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision San Joaquin Valley Unified Air Pollution Control District; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of the comment period.

SUMMARY: EPA is extending the comment period for a proposed rule published September 23, 1999 (64 FR 51489). On September 23, 1999, EPA proposed a limited approval and limited disapproval of revisions to the California State Implementation Plan controlling particulate matter (PM–10) emissions from fugitive dust sources in the San Joaquin Valley Unified Air Pollution Control District. In response to requests from the Western States Petroleum Association, Citizens Advisory Group of Industries, Independent Oil Producers' Agency, Nisei Farmers League, and California Cotton Ginners and Growers Associations, EPA is extending the comment period for 30 days.

DATES: The comment period is extended until December 8, 1999.

ADDRESSES: Comments should be submitted to: Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.
FOR FURTHER INFORMATION CONTACT: Karen Irwin at (415) 744–1903.

Dated: October 29, 1999.

Laura Yoshi,

Deputy, Regional Administrator, Region IX.
[FR Doc. 99–29307 Filed 11–8–99; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6471–3]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Jacksonville Municipal Landfill

Superfund site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Jacksonville Municipal Landfill Superfund Site ("the Site") from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. The EPA and the State of Arkansas Department of Environmental Quality (ADEQ), have determined that the remedial action for the Site has been successfully completed and that no further action is warranted.

DATES: Comments on this proposed deletion may be submitted to the EPA on or before December 9, 1999.

ADDRESSES: Comments may be mailed to: Mr. Donn Walters, Community Involvement Coordinator, U.S. EPA (6SF–P), 1445 Ross Ave., Dallas, Texas 75202–2733, (214) 665–6483 or 1–800–533–3508 (Toll Free), walters.donn@epa.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen Aisling, Remedial Project Manager, U.S. EPA (6SF–LT), 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–8509 or 1–800–533–3508 (Toll Free), aisling.kathleen@epa.gov.

SUPPLEMENTARY INFORMATION:

Information Repositories

Comprehensive information on the Site has been compiled in a public docket which is available for viewing at the Jacksonville Municipal Landfill Superfund Site information repositories: U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6427, Mon.–Fri. 8:00 a.m.–4:30 p.m., (Please call in advance.)

City Hall (Administrative Record File), 1 Industrial Drive, Jacksonville, Arkansas, Mon.–Fri. 8 a.m.–5 p.m.
Base Library, Little Rock Air Force Base, Jacksonville, Arkansas, Mon.–Thurs. 10 a.m.–8 p.m., Fri. and Sat. 10 a.m.–5 p.m.

Arkansas Department of Environmental Quality (Administrative Record File), 8001 National Drive, Little Rock, Arkansas, Mon.–Fri. 8 a.m.–4:30 p.m.

Table of Contents

- I. Introduction
- II. NPL Deletion Criteria

III. Deletion Procedures

IV. Basis for Intended Site Deletion

I. Introduction

The United States Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Jacksonville Municipal Landfill Superfund Site ("the Site") in Lonoke County, Arkansas, from the National Priorities List (NPL). The NPL constitutes appendix B of 40 CFR part 300 which is the Oil and Hazardous Substances Pollution Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. 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 these sites. The EPA and the State of Arkansas Department of Environmental Quality (ADEQ), have determined that the remedial action for the Site has been successfully completed.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures the EPA is using for this action. Section IV discusses the Jacksonville Municipal Landfill Superfund Site and demonstrates how it meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e)(1) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, the EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

- i. Responsible parties or other parties have implemented all appropriate response actions required;
- ii. All appropriate response under CERCLA has been implemented, and no further 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 site above levels that allow for unlimited use and unrestricted exposure, a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the 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, the EPA may initiate additional remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without application of the Hazard Ranking System.

In the case of this Site, the selected remedy is protective of human health and the environment. Consistent with the Site Consent Decree, the city of Jacksonville has agreed to take over operation and maintenance of the Site and conduct annual inspections. The EPA plans to conduct the first five-year review of the final remedy in late 1999. The EPA will also perform future five-year reviews.

III. Deletion Procedures

The following procedures were used for the intended deletion of the Site:

- (1) all appropriate response under CERCLA has been implemented and no further action by the EPA is appropriate;
- (2) The ADEQ has concurred with the proposed deletion decision;
- (3) A notice has been published in the local newspapers and has been distributed to appropriate Federal, state, and local officials and other interested parties announcing the commencement of a 30-day public comment period on the EPA's Notice of Intent to Delete; and
- (4) All relevant documents have been made available in the local site information repositories.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in section II of this document, § 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.

The EPA's regional office will accept and evaluate public comments on the EPA's Notice of Intent to Delete for the Site before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary to address any significant public comments received.

Deletion of the Site from the NPL will occur when the Regional Administrator of the EPA Region 6 places a final notice in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional office. They will also be placed

in the repository locations listed earlier in this document.

IV. Basis for Intended Site Deletion

The following information provides the Agency's rationale for the proposal for deletion of this Site from the NPL.

A. Site Background and History

The Site encompasses about 40 acres of an 80 acre landfill in Lonoke County, outside the city limits of Jacksonville, Arkansas, approximately 12 miles northeast of Little Rock, Arkansas. An estimated 10,000 people live within three miles of the Site and draw drinking water from public and private wells. Less than one-half mile west of the Jacksonville Municipal Landfill Superfund Site is the Rogers Road Municipal Landfill Superfund Site. Because of the proximity of the sites and the similarities in their features and characteristics, the Superfund site-related activities for these sites were carried out concurrently.

The city of Jacksonville operated the landfill from the time it purchased the land in 1953 until 1974. Open burning and trenching were the primary methods of waste disposal used at the Site. The landfill was closed in July 1973 when the ADEQ (formerly the Arkansas Department of Pollution Control and Ecology) refused to grant a landfill permit because of the high water table and poor drainage in the area.

Specific waste types and quantities were not recorded by the Site owner/operators; however, in addition to municipal waste, several drums of industrial waste from a local herbicide manufacturer, Vertac Chemical Corporation (Vertac), were disposed of in the landfill. On-site soil and drums were found to be contaminated with dioxin (2,3,7,8-tetrachlorodibenzo (P) dioxin expressed as 2,3,7,8-TCDD equivalents) and the herbicides 2,4-D, 2,4,5-T, and 2,4,5-TP. These drums were located in four isolated areas, mainly near the surface of the landfill.

In early 1986, the city of Jacksonville fenced the Site to prevent public access. The Site was added to the National Priorities List on July 22, 1987.

B. Response Actions

The Remedial Investigation (RI) for the Site, which described the nature and extent of contamination, was released to the public in July 1990. The Feasibility Study (FS) was also released at this time. A 60-day public comment period began on July 9, 1990, and ended on September 7, 1990. In addition, a public meeting was held on July 18, 1990, to

present the results of the RI/FS and to accept public comment.

The EPA reviewed the results of the July 1990 RI/FS and all public comments received. On September 27, 1990, a Record of Decision (ROD) for the Site, which included a number of construction elements to implement the Remedial Action, was issued. The EPA, the ADEQ, and the city of Jacksonville participated in the clean-up in accordance with a June 20, 1994, Consent Decree (CD) between the EPA and the city of Jacksonville.

The remedial action at the Site included:

- Excavation of contaminated soil and debris containing greater than 10 parts per billion (ppb) equivalent 2,3,7,8-TCDD and backfilling the excavated area;
- Transportation of the excavated material to the Vertac Chemical Corporation Superfund Site in Jacksonville, Arkansas;
- Incineration of the excavated contaminated material and disposal of residuals at Vertac;
- Steam-cleaning and disposal of large items of refuse removed from contaminated areas at the Jacksonville Site;
- Covering soil, debris and waste meeting the criteria stated below with twelve inches of soil:

- (1) 2,3,7,8-TCDD concentrations >1.0 and ≤ 10 ppb, or
 - (2) Cumulative Hazard Index $>.3$ for 2,4,5-T; 2,4,5 TP; and 2,4-DCP;
- Institutional controls such as fence maintenance and restricting the use of ground water; and,
 - Ground water monitoring.

Construction was completed in early 1995. A site inspection occurred on September 20, 1995, which showed that the remedial objectives had been achieved. The EPA also checked the Site on September 1, 1998. At that time, the constructed remedy was still performing as designed and was controlling the risks to human health and the environment as specified in the ROD. The soil cover was in excellent shape with no evidence of subsidence, erosion, animal burrows, or standing water. The grass cover was well-established and provided thorough coverage of the soil cover. The site fences had been maintained and there was no evidence of trespassers.

C. Clean-Up Standards

The remedial action cleanup activities at the Site are consistent with the objectives of the NCP and will provide protection to human health and the environment. Specifically, confirmatory

sampling conducted at the conclusion of the cleanup verified that the site has achieved the ROD cleanup standards: all contaminated soil and debris containing greater than 10 part per billion (ppb) equivalent 2,3,7,8-TCDD were excavated and all soil and debris with 2,3,7,8-TCDD concentrations >1.0 and ≤ 10 ppb, or with a Cumulative Hazard Index $>.3$ for 2,4,5-T and 2,4,5 TP were either excavated or covered with one foot of clean soil. Ground water samples taken in November 1994, June 1995, December 1995, October 1996, and November 1997, did not show dioxin contamination, nor did they show any site-related, statistically significant concentrations of organic contaminants or inorganic (metals) contaminants above acceptable health-based levels.

The confirmatory sampling at the Site and backfilling of the Site with clean soil provide assurances that the Site will no longer pose a threat to human health or the environment as long as the institutional controls are enforced and the soil cover is maintained. The source of contaminants identified in the ROD, the disintegrating drums and adjacent contaminated soil, has been addressed through excavation and covering with a clean soil cover. The cleanup also eliminated the impacts to the ground water from the chemicals of concern at the Site.

At this time, the Site has been cleaned up to residential standards. Therefore, from a health-risk standpoint, the landfill itself has no land-use restrictions, except for the areas where EPA placed a soil cover. Institutional controls, in the form of deed restrictions, state that the soil cover may not be disturbed. Additional deed restrictions state that no drinking water wells may be drilled at the Site.

D. Operations and Maintenance

The Site is designed to require very little maintenance. Site operations and maintenance (O&M) activities that have been performed by the city of Jacksonville since the 1995 site completion include routine site inspections to ensure that positive drainage (as defined in the CD Statement of Work) is occurring and that the perimeter fence is intact. These activities have maintained the protectiveness of the remedy. In addition, Site ground water monitoring, to ensure that the remedy was effective and operating properly, has been conducted jointly by the ADEQ and the city of Jacksonville.

The city of Jacksonville, as agreed upon in the CD and accompanying Statement of Work and as detailed in the Remedial Action (RA) Work Plan,

has assumed all responsibility for O&M at the Site. Plans for O&M are in place and are sufficient to maintain the protectiveness of the remedy. The city is fulfilling its obligation to perform the O&M and it is expected that the city of Jacksonville will be able to provide future maintenance with a minimal amount of work.

E. Five-Year Review

CERCLA requires a five-year review of all sites with hazardous substances remaining above the health-based levels for unrestricted use of the Site. Because the cleanup of the Site utilized a soil cover in some areas as the method to reduce the risk, and because the ROD calls for institutional controls limiting ground water use on and immediately downgradient of the Site, the five-year review process will be used to ensure that the cover is still intact and blocking exposure pathways and that the institutional controls are still in place.

F. Community Involvement

The EPA published its Community Relations Plan in November 1988, after interviews with local residents and officials. Several information repositories were established in the area near the Site and all of the documents used to select a Site remedy were placed in the repositories before the final ROD was issued. In August 1994, a public open house meeting was held to inform the citizens of the initiation of site construction activities. Citizens were also invited to the site completion ceremony held in September 1995. Documents in the deletion docket which the EPA relied on to make this recommendation of deletion of the Site from the NPL are available to the public in the information repositories.

G. Applicable Deletion Criteria

One of the three criteria for site deletion specifies that the EPA may delete a site from the NPL if "all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate." (40 CFR 300.425(e)(1)(ii)). The EPA, with concurrence of the ADEQ, believes that this criterion for deletion has been met. Consequently, the EPA is proposing deletion of the Site from the NPL. Documents supporting this action are available at the information repositories listed earlier in this document.

H. State Concurrence

The Arkansas Department of Environmental Quality concurs with the proposed deletion of the Jacksonville

Municipal Landfill Superfund Site from the NPL.

Dated: August 3, 1999.

Myron O. Knudson,

Acting Regional Administrator, Region 6.

[FR Doc. 99-29073 Filed 11-8-99; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99-325; FCC 99-327]

Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Commission considers alternative approaches to introduce Digital Audio Broadcasting (DAB) to the American public. This document is intended to help the Commission determine whether an in-band, on-channel (IBOC) model or a model utilizing new spectrum would be the best means to promptly introduce DAB service. This document intends to foster development of both models, help DAB system proponents identify design issues, and encourage modifications to advance Commission's policy objectives. This document is in response to USA Digital Radio's (USADR) Petition for rulemaking, which requested initiation of a proceeding to implement IBOC DAB technology.

DATES: Comments are due on or before January 24, 2000, and reply comments are due on or before February 22, 2000.

ADDRESSES: Parties who choose to file comments by paper should address their comments to Magalie Roman Salas, Office of the Secretary, TW-A306, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554 and should also submit comments on 3.5 inch diskette using Microsoft Word or compatible software addressed to William J. Scher, Federal Communications Commission, 445 12th Street, SW., Room 2-A445, Washington, DC 20554. Electronic comments may also be submitted using the Commission's electronic comment filing system via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>.

FOR FURTHER INFORMATION CONTACT: Peter Doyle or William Scher at (202) 418-2780 or pdoyle@fcc.gov or wscher@fcc.gov.

SUPPLEMENTARY INFORMATION:

1. *IBOC DAB.* IBOC systems allow simultaneous broadcast of analog and digital radio signals in the AM and FM bands without disruption to existing analog service. IBOC DAB systems have not been conclusively proven to be technically viable, but recent advances hold real promise. In the hybrid operational mode, IBOC systems transmit lower power digital signal sidebands positioned on either side of the host analog signal. Digital signals would be interleaved (station A's upper digital sideband would be between 1st adjacent channel station B's lower and upper digital sidebands, and adjoining station B's carrier frequency). The presence of digital sidebands would reduce the separation between the host analog signal and 2nd and 3rd adjacent channel digital signals. IBOC proponents believe digital signal processing techniques will permit transmission of a digital "pair" of each analog signal in the AM and FM bands, without disrupting existing analog service.

2. In the IBOC all-digital mode, the system proposed by USADR would continue to divide the digital signal into sidebands, boost power by tenfold, and use the channel center for lower-power auxiliary services. The increased power of the signal sidebands likely would interfere with 1st adjacent channel analog signals. Therefore, USADR proposes to use the hybrid mode for 12 years and then sunset protection of analog signals. At that time, it proposes to implement the all digital mode. The system proposed by Lucent Technologies ("Lucent") consolidates the digital signal in the channel center in the all-digital mode, and proposes to use the 1st adjacent for auxiliary services. No sunset of protection for analog signals would be necessary because Lucent's model conforms to the Commission's current analog technical rules.

3. *DAB Public Policy Objectives.* In this Notice, the Commission's public policy objectives to introduce DAB are (1) to provide vastly improved radio service to the public, (2) to permit broadcasters and listeners to realize fully the superior technical performance capabilities of DAB; (3) to support a vibrant and vital terrestrial radio service for the public and create DAB opportunities for existing radio broadcasters; (4) to ensure that the introduction of DAB does not weaken the vitality of our free, over-the-air radio broadcast service; (5) to provide all broadcasters with the opportunity to provide DAB service. The Commission will favor systems that are spectrum

efficient, that do not require burdensome investments in new broadcast transmission equipment, and that provide broadcasters with incentives to convert to DAB.

4. *Tentative Selection Criteria.* The Commission proposes to apply the following evaluative criteria to determine which DAB model and/or system would best promote the public policy objectives: (1) enhanced audio fidelity; (2) robustness to interference and other signal impairments; (3) compatibility with existing analog service; (4) spectrum efficiency; (5) flexibility; (6) auxiliary capacity; (7) extensibility; (8) accommodation for existing broadcasters; (9) coverage; and (10) implementation costs/affordability of equipment.

5. *Enhanced Audio Fidelity/Robustness.* DAB system proponents anticipate that AM IBOC DAB systems will offer sound quality comparable to today's stereo FM systems, and that FM IBOC DAB systems will deliver near-CD quality sound. As to robustness, DAB systems may improve reception by using techniques that protect digital signals from interference that affects analog signals. The Commission seeks comment of these selection criteria, including the specific standards that should be used to compare competing systems.

6. A comparison of IBOC and new-spectrum alternatives must consider the time frame to achieve all-digital operations and short-term performance advantages of a hybrid IBOC system over analog. The Commission seeks comment on the issue. The Commission also seeks comment on appropriate ways to compare IBOC and new-spectrum DAB alternatives under this selection criteria.

7. *Compatibility.* The Commission tentatively concludes that IBOC systems should minimize interference to host and adjacent-channel analog signals in hybrid mode including interference to FM subcarriers. The opportunity to introduce new ancillary services is tied to initiation of all-digital operations. A system which permits rapid implementation to all-digital radio service (such as Lucent's) may serve the public interest better than a system which relies on a longer transition period with a fixed sunset of analog protection (such as USADR's). The Commission seeks comment on whether all-digital compatibility with analog signals should be an evaluative criteria for IBOC systems.

8. The Commission seeks comment on how a DAB system could be designed to protect a possible future LPFM service. The Commission seeks comment on the