

northwest boundary of the site. It is approximately 320 feet by 340 feet and extends to a depth of approximately 15 feet below finished grade. The cell holds approximately 55,000 tons of contaminated material, 22,272 of which was stabilized. The contaminated soils are covered with a closed cell foam insulation, 40 mil geomembrane cover, geocomposite drainage layer, and three feet of clean soil. The cell is designed to be utilized for vehicle/equipment storage or future building area. The cell is surrounded on three sides by a 14,000 ton rip rap barrier wall designed to protect against a 500 year (minimum) flood event.

The selected remedy was enhanced by the following approved design changes, which were implemented in 1998 and 1999:

- Excavating all upland surface soils outside the limits of the TSCA landfill which exceed 1.0 mg/Kg PCBs or 250 mg/Kg lead to a depth of three feet; and disposal in the on-site TSCA landfill.
- Including a geomembrane cover system consisting of a four-inch foam insulation layer, 40 mil liner, geonet drainage layer, filter fabric and three feet of clean soil over the landfill;
- Creation of a flood protection barrier on three sides of the landfill;
- Replacement of the rip rap erosion control wall adjacent to Ship Creek with an Alaska Department of Fish and Game requested natural erosion protection system. This system incorporates native vegetation and artificial logs to secure the stream bank and provide habitat. Based on these changes, an Explanation of Significant Differences was signed on November 18, 1998 to waive 40 CFR 761.75(b)(9)(i), which requires a fence around a TSCA landfill. A Remedial Action Report was signed on August 1, 1999 and a Final Closeout Report was signed on June 26, 2002 which documents that all work at the site has been completed and all cleanup levels established in the ROD have been achieved.

#### *Operation and Maintenance*

Pursuant to the Consent Decree, Chugach Electric Association, Inc., Westinghouse Electric Corporation, Sears, Roebuck and Company, J. C. Penney Company, Inc., and Bridgestone/Firestone, Inc. are responsible for the operation and maintenance procedures. The remedy requires maintenance of the landfill to ensure that it retains its structural integrity and prevents the release of PCBs and lead through erosion, leaching, and excavation. The Operation

and Maintenance requirements are presented in the Operations and Maintenance Plan (revised) July 2001 by Alta GeoSciences, Inc. Operation and maintenance has been happening properly, with the exception of damage to an up gradient well. EPA was notified of the damage and the well was restored.

#### *Institutional Controls*

The Site has institutional controls in place to restrict access, prevent use of groundwater, and land use on the property. The Alaska Railroad Corporation (ARRC) is the owner of an exclusive license to the property under the Alaska Railroad Transfer Act. ARRC executed and filed the Declaration of Restrictive Covenants per the Consent Decree requirements with the local land recording district office in Anchorage. ARRC's lease agreements for the property notify the lessee of the Institutional Controls which must be complied with. Additionally, notice of the remedy and the Declaration of Restrictive Covenants was provided to applicable state and local government agencies and all local utility companies.

The Institutional Controls contained in the RD/RA Consent Decree, Record of Decision and recorded through a Declaration of Restrictive Covenants are:

- Ensure that site use continues to be industrial or commercial and prevent use of the site for commercial developments that involve potential chronic exposures of children to soil (e.g., use of the site for a day care center);
- Restrict activities at the site that could potentially impair the integrity of the TSCA landfill;
- Prevent movement of soil containing greater than 1,000 mg/kg lead or 10mg/kg PCBs to the surface or within the top foot of soil where chronic long-term worker exposure could occur;
- Groundwater use restriction recorded with local, regional, and State agencies, departments and utilities.

#### *Five-Year Review*

Hazardous substances will remain at the site above levels that allow unlimited use and unrestricted exposure after the completion of the remedial action. Pursuant to CERCLA section 121(c) and provided in the current guidance on Five-Year Reviews, EPA must conduct a statutory five-year review to ensure that the remedy continues to provide adequate protection of human health and the environment. The Five-Year Review Report will be completed prior to March 2003.

#### *Community Involvement*

EPA held four public meetings, issued five fact sheets and published three public comment periods in the **Federal Register**. The meetings and fact sheets focused on CERCLA-required comment periods, informational meetings, publications of previous cleanup actions, enforcement actions, alternative analysis or schedule announcements, and public involvement sessions. There was not much public involvement at this site.

#### *Applicable Deletion Criteria*

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if "responsible parties have implemented all appropriate response actions required." EPA, with the concurrence of the State of Alaska, believe that this criterion for deletion has been met. There is no significant threat to human health or the environment and; therefore, no further remedial action is necessary. Subsequently, EPA is proposing deletion of this site from the NPL. Documents supporting this action are available in the deletion docket at the information repositories.

#### *State Concurrence*

In a letter dated July 24, 2002, from the Alaska Department of Environmental Conservation (ADEC), ADEC concurs with the proposed deletion of the Standard Steel and Metals Salvage Yard Superfund Site from the NPL.

Dated: August 2, 2002.

**L. John Iani,**

*Regional Administrator, Region 10.*

[FR Doc. 02-20351 Filed 8-13-02; 8:45 am]

**BILLING CODE 6560-50-P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 73**

**[DA 02-1913, MM Docket No. 01-44, RM-10022]**

### **Digital Television Broadcast Service; Derby, KS**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Pappas Telecasting of America proposing the allotment of DTV channel 46 to Derby, Kansas. DTV Channel 46 can be allotted to Derby, Kansas at reference coordinates 37-54-12 N. and 97-37-06

W. with a power of 1000, a height above average terrain HAAT of 246 meters.

**DATES:** Comments must be filed on or before September 30, 2002, and reply comments on or before October 15, 2002.

**ADDRESSES:** The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (except in broadcast allotment proceedings). See *Electronic Filing of Documents in Rule Making Proceedings*, GC Docket No. 97-113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, 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: Vincent J. Curtis, Jr. Fletcher, Heald & Hildreth, PLC, 1300 North 17th Street, Eleventh Floor, Arlington, Virginia 22209 (Counsel for Pappas Telecasting of America).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Further Notice of Proposed Rule Making, MM Docket No. 01-44, adopted August 2, 2002, and released August 9, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor,

Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via-e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

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, Television.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 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 and 336.

##### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Kansas is amended by adding Georgetown, DTV channel 46.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 02-20592 Filed 8-13-02; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 02-1901, MB Docket No. 02-220, RM-10518]

##### Digital Television Broadcast Service; Christiansted, VI

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Virgin Blue, Inc., licensee of station WCVI-TV, Christiansted, Virgin Islands, requesting the substitution of DTV channel 23 for DTV channel 5. DTV Channel 23 can be

allotted to at reference coordinates 17-44-40 N. and 64-43-40 W. with a power of 0.85, a height above average terrain (HAAT) of 130 meters.

**DATES:** Comments must be filed on or before September 30, 2002, and reply comments on or before October 15, 2002.

**ADDRESSES:** The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (except in broadcast allotment proceedings). See *Electronic Filing of Documents in Rule Making Proceedings*, GC Docket No. 97-113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, 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: Victor A. Gold, President, WCVI-TV, P.O. Box 24027, Christiansted, Virgin Islands (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 02-220, adopted August 2, 2002, and released August 9, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. This document may also be purchased from the