

unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous substances, Hazardous Waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the entry for “Anderson Development Co.” at Adrian, Michigan.”

Dated: October 18, 1996.

Michelle Jordan,

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

[FR Doc. 96–1398 Filed 1–25–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21 and 94

[FCC 95–500]

Fixed Point-to-Point Microwave Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this Order portion of the Notice of Proposed Rule Making and Order, the Commission generally holds in abeyance and will not process pending applications for frequency assignments in the 38.6–40.0 GHz (39 GHz) band that are mutually exclusive with other applications or that were still within the 60-day period for filing mutually exclusive applications as of November 13, 1995. Further, the Commission holds in abeyance and will not process modification applications for 39 GHz licenses filed on or after November 13, 1995, unless the application meets certain requirements as discussed in the summary below. The Commission takes this action to stop

processing mutually exclusive or potentially mutually exclusive applications under outdated licensing rules in anticipation of the adoption of new licensing rules.

EFFECTIVE DATE: December 15, 1995.

FOR FURTHER INFORMATION CONTACT: Tom Mooring, Office of Engineering and Technology, (202) 418–2450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, adopted and released December 15, 1995. The complete *Notice of Proposed Rule Making and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington D.C. 20037.

Summary of Order

1. In the companion Notice of Proposed Rule Making (“Notice”) in this proceeding, the Commission proposed to amend the licensing and technical rules for fixed point-to-point microwave operations in the 39 GHz band. On November 13, 1995, pursuant to delegated authority, the Wireless Telecommunications Bureau (Bureau) ordered that no additional applications for 39 GHz frequency assignments would be accepted for filing as of the date of the Bureau's order pending the outcome of this proceeding.¹ The Bureau observed that over 2,100 applications for 39 GHz licenses had been filed since January 1995, and noted that the increasing number of applications filed pursuant to the existing rules was a burden on Commission resources and could inhibit the Commission's ability to update the regulatory structure of this service in light of today's marketplace conditions. The Bureau also stated that the freeze does not apply to applications for assignment or transfer of control of license. Likewise, the Commission stresses that the interim policy described below will not apply to assignment or transfer of control applications, which will continue to be processed under existing procedures.

2. With respect to previously filed 39 GHz applications now pending before the Commission, the Commission took the following action. Pending applications will be processed if (1) they were not mutually exclusive with other applications at the time of the Bureau's

Order, and (2) the 60-day period for filing mutually exclusive applications expired prior to November 13, 1995. The Commission concluded that processing pending applications against which no competing application has been timely filed will not impede the goals of this proceeding and can be accomplished without significant burden on Commission resources. The Commission also proposed to apply to all licenses granted under this procedure the same revised construction threshold and grandfathering requirements that it proposed to apply to incumbent 39 GHz licensees who received license grants prior to this Notice.

3. With respect to all other pending applications (i.e., those that were subject to mutual exclusivity or still within the 60-day period as of November 13), the Commission concluded that processing and disposition should be held in abeyance during the pendency of this proceeding.² First, resolving mutually exclusive applications requires greater expenditure of Commission resources than processing uncontested applications. Second, the Commission is concerned that attempting to award licenses in mutually exclusive situations under its current rules could lead to results that are inconsistent with the objectives of this proceeding. Therefore, the Commission will not process these applications (or any amendments thereto filed on or after November 13, 1995) at this time, but intends to determine whether to process or return them, as appropriate, at the conclusion of this proceeding. The Commission solicits comment on how these applications that will be held in abeyance should later be treated if new licensing and service rules are ultimately adopted in this proceeding.

4. Also in regard to pending applications for 39 GHz licenses, amendments received on or after November 13, 1995 will be held in abeyance during the pendency of this proceeding. The Commission will similarly hold in abeyance those applications for modification of existing 39 GHz licenses filed on or after November 13, 1995, or modification

² Whenever the 60-day “cut-off” date for an application occurs on or after the processing “freeze” date of November 13, 1995, we will hold the application in abeyance. This will assure fairness to potential applicants who were precluded by the freeze from filing competing applications in time to be entitled to comparative consideration. Accordingly, all 39 GHz applications placed on public notice on or after September 14, 1995, will be treated for purposes of interim processing as if they were mutually exclusive. See 47 C.F.R. §§21.27, 21.31(b).

¹ Order, RM–8553, DA 95–2341, released November 13, 1995.

application amendments filed on or after that date, and will not accept for filing any additional such modification applications and amendments, but for the following limited exception which will afford existing licensees alternative means of meeting the threshold construction requirement. To be acceptable for filing, modification applications or amendments to them must meet both of the following criteria:

- Do not involve any enlargement in any portion of the proposed area of operation; and
- Do not change frequency blocks, other than to delete a frequency block(s).

5. Accordingly, it is ordered, That pending applications for new 39 GHz frequency assignments or for modification to 39 GHz licenses shall be held in abeyance and not processed until further notice, except as otherwise indicated in paragraphs 1 through 4 above. It is further ordered, That applications for modification of 39 GHz licenses or amendments to pending 39 GHz applications shall not be accepted for filing until further notice, except as indicated in paragraphs 1 through 4 above. The imposition of these changes in application processing is procedural in nature and, therefore, is not subject to the notice and comment and effective date requirements of the Administrative Procedure Act.³ In any event, good cause exists for imposing immediately the processing changes without following these requirements because the changes are necessary to avoid impeding the purpose of any new rules adopted in this proceeding.

List of Subjects

47 CFR Part 21

Communications common carriers, Radio.

47 CFR Part 94

Communications equipment, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-1246 Filed 1-25-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 95-85; RM-8518]

Radio Broadcasting Services; Copeland, KS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Greater Plains Christian Radio, Inc., allots Channel *280C1 to Copeland, Kansas, as a reserved channel for noncommercial use, to provide the community with an additional FM service. See 60 FR 32935, June 26, 1995. Channel *280C1 can be allotted to Copeland, Kansas, in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel *280C1 at Copeland are 37-32-31 and 100-37-45. With this action, this proceeding is terminated.

DATES: Effective March 4, 1996. The window period for filing applications will open on March 4, 1996, and close on March 19, 1996.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-85, adopted December 7, 1995, and released January 19, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by adding Channel *280C1 at Copeland.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-1420 Filed 1-25-96; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-43; RM-8580]

Radio Broadcasting Services; Grand Junction, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 264C1 to Grand Junction, Colorado, as that community's fifth local FM transmission service, in response to a petition for rule making filed on behalf of Grand Valley Public Radio Company, Inc. See 60 FR 19560, April 19, 1995. Coordinates used for Channel 264C1 at Grand Junction are 30-04-06 and 108-33-00. With this action, the proceeding is terminated.

DATES: Effective March 4, 1996. The window period for filing applications will open on March 4, 1996, and close on March 19, 1996.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 264C1 at Grand Junction, Colorado, should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-43, adopted December 11, 1995, and released January 19, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

³ See *Neighborhood TV Co., Inc. v. FCC*, 742 F.2d 629 (D.C. Cir. 1984); *Buckeye Cablevision, Inc. v. United States*, 438 F.2d 948 (6th Cir. 1971); *Kessler v. FCC*, 326 F.2d 673 (D.C. Cir. 1963).