

contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

EPA has established a record for this rulemaking under docket number [PP 4F4398/R2209A] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, since this action does not impose any information collection requirements as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., it is not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612), the Administrator has determined that regulations establishing

new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement explaining the factual basis for this determination was published in the Federal Register of May 4, 1981 (46 FR 24950).

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2) of the APA as amended.

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 1, 1996.

Daniel M. Barolo,  
*Director, Office of Pesticide Programs.*

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

#### § 180.1163—[Amended]

2. Section 180.1163 is amended by removing the phrase "at a rate not to exceed 20 to 40 lbs/acre."

[FR Doc. 96-29182 Filed 11-13-96; 8:45 am]

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#### 40 CFR Part 300

[FRL-5650-2]

#### National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Deletion of the St. Augusta Landfill/Engen Dump Site from the National Priorities List (NPL).

**SUMMARY:** The U.S. Environmental Protection Agency (US EPA) announces the deletion of the St. Augusta Landfill/Engen Dump Site in Minnesota from the National Priorities List (NPL). The NPL

is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which US EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. US EPA and the State of Minnesota have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further response by responsible parties is appropriate. Moreover, US EPA and the State of Minnesota have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** November 14, 1996.

#### FOR FURTHER INFORMATION CONTACT:

Rita Garner at (312) 886-2440, Associate Remedial Project Manager, Superfund Division US EPA—Region 5, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: Minnesota Pollution Control Agency, 520 Lafayette Rd., St. Paul, MN 55155-4194. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office.

The point of contact for the Regional Docket Office is Jan Pfundheller (H-7J), US EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is the St. Augusta Landfill/Engen Dump Site, Stearns County, Minnesota. A Notice of Intent to Delete was published July 22, 1996 (61 FR 37876) for this site. The closing date for comments on the Notice of Intent to Delete was August 21, 1996. US EPA received no comments.

The US EPA identified sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the 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**

Environmental protection, Ground glass, Solids and sludges, Paper pulp waste, Ash and small amounts of cutting oils, Coolants, Solvents, Paints and cleaning compounds.

Dated: November 1, 1996.

Valdas V. Adamkus,  
Regional Administrator, U.S. EPA, Region 5.

40 CFR part 300 is amended as follows:

**PART 300—[AMENDED]**

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

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; 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 Site “St. Augusta Sanitary Landfill/Engen Dump, St. Augusta Township, Minnesota”.

[FR Doc. 96–29029 Filed 11–13–96; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 22**

[PP Docket No. 93–253; CC Docket No. 90–6; FCC 96–361]

**Implementation of Section 309(j) of the Communications Act—Competitive Bidding**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document adopts competitive bidding rules for mutually exclusive applications for cellular unserved Phase I and Phase II service areas. These rules result from the Commission’s decision to use competitive bidding to select from among mutually exclusive applications. The Adoption of these rules will enable the Commission to complete the licensing of cellular unserved area licenses.

**EFFECTIVE DATE:** December 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Thomas Horan, Wireless Telecommunications Bureau, (202) 418–0660.

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Ninth Report and Order* in PP Docket No. 93–253; CC Docket No. 90–6; FCC 96–361, adopted August 23, 1996 and released November 7, 1996.

The complete text of the *Ninth Report 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 copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

**Synopsis of the Report and Order****Background**

1. Initial cellular systems operators were given a five-year period during which to expand their systems within the geographic area in which they are licensees. Cellular unserved areas were created from the geographic area not covered by the licensee at the close of the five-year build-out period. We adopted an application processing scheme that has two phases for all cellular markets in which the five-year build-out period has expired or will expire in the future. Phase I is a one-time process that provides an opportunity for eligible parties to file competing applications for authority to operate a new cellular system in, or to expand an existing cellular system into, unserved areas as soon as these areas become available. Phase II is an ongoing process that allows eligible parties to apply for any unserved areas that may remain in a market after the Phase I process is complete.

**Grouping of Licenses**

2. Following adoption of these rules, all Phase I auction applicants, including those who previously filed FCC Form 464s, shall file a short-form application (FCC Form 175) prior to the filing deadline announced by Public Notice. The filing window for Phase I applications will open on the 31st day after the expiration of a market’s five-year build-out period. For mutually exclusive Phase I applications that were filed prior to our new FCC Form 175 filing requirement, only the applicants who have timely-filed FCC Form 464 applications will be eligible to submit an FCC Form 175 and participate in the auction for these markets. The auction process will repeat itself approximately every six months until all of the Phase I licenses for which there are mutually exclusive applications have been auctioned. Applicants cannot file more than one Phase I initial application for any cellular market, and Phase I initial applications must not propose any de minimis or contract service area boundary extensions. Phase I licensees may file a single major modification

application no later than 90 days after the grant of their Phase I initial application. This major modification application may propose de minimis or contract service area boundary extensions, or a non-contiguous Cellular Geographic Area (“CGSA”) provided that the non-contiguous CGSA meets the minimum coverage requirement of section 22.951 of the Commission’s rules.

3. The start of the Phase II process is dependent on the resolution of the Phase I short-form filing deadline. If a Phase I initial application is granted for a market and channel block, Phase II applications for that market and channel block may be filed on or after the 121st day after the Phase I application is granted. If no Phase I initial applications are received, Phase II applications may be filed on or after the 32nd day after the expiration of the relevant five-year build-out period. Competing Phase II applications are subject to a 30-day filing window following a Phase II application’s publication in a Public Notice. Phase II applicants should continue to submit an FCC Form 464A and an FCC Form 600 during the appropriate filing windows. For Phase II applications, we will require the FCC Form 600 prior to the FCC Form 175 in order to determine whether mutual exclusivity exists among applicants. Mutual exclusivity will be determined by comparing the technical information contained in each FCC Form 600 to determine whether any applicants are applying for the same specific cell sites in any given cellular unserved area. This differs from the Phase I process, because Phase I applicants are applying for the entire unserved area. Thus, mutual exclusivity may be determined by reviewing the FCC Form 464 application for Phase I licenses. If the Commission determines mutually exclusive Phase II initial applications have been received, these applicants will be required to file a short-form application (FCC Form 175) prior to the filing deadline specified in a Public Notice. The Phase II licenses for which there are mutually exclusive applications will be auctioned in either a separate Phase II auction or as part of a Phase I auction. The Wireless Telecommunications Bureau (“Bureau”) will issue a Public Notice describing the auction process for Phase II licenses prior to any Phase II auctions.

**Competitive Bidding Design**

4. For Cellular Unserved Phase I and Phase II service areas, we are electing to use a simultaneous multiple round auction, but we reserve the option to do this auction sequentially.