Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register,** file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the 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).

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 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 to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: March 16, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.342, by adding new paragraph (f), to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

(f) A tolerance of 15 parts per million is established for residues of the pesticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] in or on the raw agricultural commodities oats and barley when blended together as a mixture containing not more than 97% oats and not less than 3% barley.

(1) Such tolerance applies only to oats that were treated post-harvest with chlorpyrifos on or before June 15, 1994.

(2) Such tolerance applies only to oats to be used as animal feed or as a constituent of animal feed.

(3) Notwithstanding any other provision of law or regulation, this tolerance does not authorize the presence of residues of chlorpyrifos in any human food item made from such treated oats, other than residues resulting from the use of the oats for animal feed purposes.

(4) Such tolerance expires on December 31, 1996.

[FR Doc. 95–7451 Filed 3–22-95; 12:28 pm]

BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–5172–7]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Radium Chemical Company site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces the deletion of the Radium Chemical Company site from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New York have determined that all appropriate Hazardous Substance Response Trust Fund (Fund)-financed responses under CERCLA have been implemented and that no further cleanup is appropriate. Moreover, EPA and the State of New York have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: March 24, 1995.

ADDRESSES: For further information contact: Janet Cappelli, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, NY 10007–1866, (212) 637–4270.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Radium Chemical Company site, Woodside, Queens County, New York.

The closing date for comments on the Notice of Intent to Delete was December 9, 1994. EPA received no verbal or written comments.

EPA identifies 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 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 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or

impede EPA efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

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

Dated: February 24, 1995.

William J. Muszynski,

Acting Regional Administrator.

40 CFR part 300 is amended as follows:

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(d); E.O. 11735, 38 FR 21243; E.O. 12580, 52 FR 2923; E.O. 12777, 56 FR 54757.

Appendix B [Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Radium Chemical Company site, Woodside, New York.

[FR Doc. 95–6769 Filed 3–23–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 22 and 90

[GN Docket No. 94–90, FCC 95–98]

Eligibility for the Specialized Mobile Radio Services and Radio Services in the 220–222 MHz Land Mobile Band and Use of Radio Dispatch Communications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this Report and Order (*Order*), the Commission eliminates rules that prohibit wireline telephone carriers from holding licenses in the Specialized Mobile Radio (SMR) service and the commercial 220–222 MHz land mobile band. The *Order* also eliminates the prohibition on the provision of dispatch service by cellular licensees, other licensees in the Public Mobile Services, and licensees in the Personal Communications Services (PCS). After reviewing the record, the Commission finds that these restrictions no longer serve the public interest and should be eliminated.

EFFECTIVE DATES: Sections 22.577 and 22.901 rule changes will be effective April 24, 1995. Sections 90.603 and 90.703 rule changes will be effective March 24, 1995.

FOR FURTHER INFORMATION CONTACT: Sue McNeil, Wireless Telecommunications Bureau, Commercial Radio Division, (202) 418–0620.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Order* in GN Docket No. 94–90, adopted March 7, 1995 and released March 7, 1995. The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street, N.W., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, N.W., Washington, DC 20037.

Synopsis of the Report and Order

I. Background

1. When the Commission established the SMR service in 1974, it elected to prohibit wireline telephone common carriers from holding SMR base station licenses. The Commission has stated that the wireline prohibition was intended to ensure that the provision of SMR service would be available as a business opportunity for small entrepreneurs and to reduce incentives for wireline common carriers to engage in discriminatory interconnection practices. In 1986, the Commission proposed to eliminate the SMR restriction after receiving several requests from wireline carriers for waiver of Section 90.603(c). The Commission observed that the original rationale for establishing the restriction may no longer apply. The Commission subsequently granted several conditional waivers to wireline carriers seeking to acquire SMR stations.

2. In 1992, the Commission terminated the proceeding on grounds that the record had become stale and stated that the restriction should be retained until the Commission could more fully evaluate the competitive impact of allowing wireline providers into the SMR marketplace. The Commission terminated all waivers that had been previously granted, but gave waiver recipients an opportunity to rejustify their waiver grants. Southwestern Bell Corporation (Southwestern Bell), Bell Atlantic Enterprises International Inc. (Bell Atlantic), and US West Paging, Inc. (US West) filed requests to rejustify the waiver grants that had been terminated pursuant to the *Termination Order* (57 Fed. Reg. 32450 (July 22, 1992)). In addition, RAM Mobile Data USA Limited (RAM Mobile), Cass Cable TV, Inc. (Cass Cable), and American Paging, Inc. (API) subsequently have sought waivers of the wireline prohibition. The Commission issued a public notice requesting public comment regarding the waiver requests on April 12, 1994. In addition, BellSouth has filed an appeal of the Commission's *Termination Order*, which is pending before the D.C. Circuit.

3. In 1991, the Commission adopted an analogous restriction for the newly established commercial 220 MHz service that prevents wireline carriers from holding licenses in that service as well. The Commission's rationale for excluding wireline carriers from 220 MHz was the same as its original rationale for excluding wireline carriers from SMR licensing.

4. The Omnibus Budget Reconciliation Act of 1993 (Budget Act) amended the Communications Act and prescribed comprehensive regulatory changes for the mobile services marketplace. The legislative history of the Budget Act identified the Commission's ban against wireline carriers holding SMR licenses as a regulation that should be reviewed by the Commission. The Commission thus proposed to eliminate its restrictions that prohibit wireline telephone common carriers from holding SMR and commercial 220 MHz licenses on the grounds that the restrictions may no longer be necessary and that competition would be promoted by their elimination.

5. At the same time, the Commission also proposed to eliminate the prohibition on the provision of dispatch service by common carriers, including cellular licensees, other licensees in the Public Mobile Service, and PCS licensees. The prohibition, which was originally enacted by Congress as part of the 1982 amendments to the Communications Act, prohibited common carriers licensed after January 1, 1982, including all cellular licensees, from offering dispatch services. In the Budget Act, Congress retained the statutory ban, thus potentially applying it to all CMRS providers, but granted the Commission authority to repeal the ban by regulation in whole or in part. In the *Notice of Proposed Rule Making* (59 Fed. Reg. 42563 (Aug. 18, 1994)), the Commission tentatively concluded that the prohibition was outdated and that its repeal would promote competition. Thirty-two (32) comments and twelve (12) reply comments were filed in response to the proposals in this proceeding.