

compliance assistance is not a legal defense in any enforcement action. This Policy does not limit EPA or a state's discretion to use information on violations revealed through compliance assistance as evidence in subsequent enforcement actions.

H. Applicability To States

EPA recognizes that states are partners in enforcement and compliance assurance. Therefore, EPA will defer to state actions in delegated or approved programs that are generally consistent with the guidelines set forth in this Policy.

This Policy does not require SBAPs to provide to EPA information that identifies the names or locations of specific businesses that are found to be in violation through compliance assistance. EPA recommends, however, that whenever an agency provides a correction period to a small business, the agency notify the appropriate EPA Region or state of its action, to assure that federal and state enforcement responses to the identified violations are consistent. A state program that offers confidentiality may not also offer a corrections period for the same violations (see footnote 2).⁵

In developing this Policy, EPA balanced three primary considerations. First, the Agency is seeking to provide States with ample opportunity to adopt innovative approaches to environmental compliance. Thus, the Policy provides the parameters within which States have flexibility to tailor SBAPs to their needs.

Second, EPA recognizes that participation in SBAPs by individual businesses is typically voluntary. Assistance is provided generally upon request. Thus, the Agency is seeking to assure states of the ability to provide incentives that will encourage many small businesses to participate in SBAPs.

Third, the environmental statutes covered by this Policy generally require, as a condition of delegation or authorization, that programs be consistent with Federal requirements and that states have the authority to take appropriate enforcement action with respect to violations.⁶ Thus, EPA has an obligation to ensure that state SBAPs are

structured so as to maintain an appropriate level of enforcement authority within delegated or authorized state programs. The Agency believes this Policy will allow states sufficient latitude to use an appropriate combination of delegated state enforcement authority and compliance assistance activity to improve compliance in the small business community.

[FR Doc. 95-15435 Filed 6-22-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5226-6]

Proposed Settlement Agreement, Clean Air Act; Petition for Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), notice is hereby given of a proposed settlement agreement in the following cases: *American Petroleum Institute v. U.S. Environmental Protection Agency*, No. 94-1138 (D.C. Cir.); *Texaco, Inc. and Star Enterprises v. U.S. Environmental Protection Agency*, No. 94-1143 (D.C. Cir.) (consolidated cases). These petitions for review were filed under § 307(b) of the Act, 42 U.S.C. 7607(b), contesting various aspects of the regulations issued by EPA on December 15, 1993 for reformulated and conventional gasoline.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed agreement if the comments disclose facts or circumstances that indicate that such agreement is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

A copy of the proposed settlement agreement is available from Phyllis J. Cochran, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260-7606. Written comments should be sent to John T. Hannon, Esq. at the above address and must be submitted on or before July 24, 1995.

Dated: June 14, 1995.

Jean C. Nelson,

General Counsel.

[FR Doc. 95-15436 Filed 6-22-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[ET Docket No. 94-32; DA 95-1365]

In-Flight Phone Corp.; Allocation of Spectrum Below 5 GHz Transferred From Government Use

AGENCY: Federal Communications Commission.

ACTION: Public notice.

SUMMARY: This Public Notice solicits comment on a pioneer's preference request filed by In-Flight Phone Corp. (In-Flight). The action is taken in response to a filing by In-Flight.

DATES: Comments are due July 3, 1995; reply comments are due July 13, 1995.

FOR FURTHER INFORMATION CONTACT: Rodney Small, Office of Engineering and Technology, (202) 776-1622.

SUPPLEMENTARY INFORMATION: This is the text of the Commission's Public Notice in GEN Docket No. 94-32, released June 16, 1995. The pioneer's preference request filed by In-Flight is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington D.C. 20037.

Comment Sought on In-Flight Phone Corp. Pioneer's Preference Request

On March 16, 1995, In-Flight Corp. (In-Flight) filed a Petition for Declaratory Ruling (Petition) asking that its pioneer's preference (PP) Request filed in the Narrowband Personal Communications Services proceeding, ET Docket No. 92-100, now be considered in ET Docket No. 94-32, Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use. The Petition was placed on Public Notice on April 28, 1994; see DA 95-967. No comments were filed on this Public Notice. On June 8, 1995, in response to the Commission's Third Report and Order in the pioneer's preference review proceeding (see ET Docket No. 93-266, FCC 95-218, released June 8, 1995), In-Flight filed a Supplement to its PP Request. In the Supplement, In-Flight asks that the

⁵The CAA § 507 policy establishes criteria for EPA approval of SBAPs in State Implementation Plans to satisfy the mandate in the CAA, and addresses confidential assistance in that context.

⁶For example, the Resource Conservation and Recovery Act provides that the Administrator may authorize any State to administer and enforce the Act unless he finds, among other things, that "such program does not provide adequate enforcement of compliance with the requirements of" the Act. 42 U.S.C. 6926(b).

Commission issue a public notice soliciting comment on the PP Request.

In-Flight filed its PP Request in ET Docket No. 92-100 on October 30, 1992, seeking a preference in the 901-902 MHz and 940-941 MHz bands for a live ground-to-air audio news, information, and entertainment service for airline passengers. However, because the rules adopted in ET Docket No. 92-100 were not related to In-Flight's proposal, its PP Request was not acted upon by the Commission.

In May 1994, the Commission released a Notice of Inquiry (NOI) in ET Docket No. 94-32, seeking information on potential applications of 50 megahertz of transferred Federal Government spectrum; see 9 FCC Rcd 2175 and 59 FR 25589, May 17, 1994. In November 1994, a Notice of Proposed Rulemaking was released proposing the allocation of the spectrum; see 9 FCC Rcd 6779 and 59 FR 59393, November 17, 1994. A First Report and Order and Second Notice of Proposed Rulemaking (Second NPRM) was released in February 1995; see 10 FCC Rcd 4769 and 60 FR 13102, March 10, 1995. The Second NPRM proposes that the 4660-4685 MHz band be allocated for a General Wireless Communications Service (GWCS).

In its Petition, In-Flight argued that its PP Request should be considered in ET Docket No. 94-32 because the proposed service rules would allow it to apply for a license to provide its service in the 4660-4685 MHz band. In-Flight claimed that the service for which the preference is sought is identical in all relevant respects to the service it would provide as a GWCS licensee. In-Flight also requested that the Commission issue the recommended ruling well in advance of the August 10, 1995 statutory deadline for issuing final rules in ET Docket No. 94-32, so that the Commission would have sufficient time to decide whether to award a pioneer's preference to In-Flight.

In its Supplement, In-Flight notes that the Commission recently decided in ET Docket No. 93-266 that public notices would no longer be issued inviting comment on pioneer's preference requests—rather, such comment would be solicited in the notices of proposed rule making that propose to establish rules governing the services for which the preferences are sought; see Second Report and Order and Further Notice of Proposed Rule Making, 10 FCC Rcd 4523 (1995) and 60 FR 13396, March 13, 1995. However, In-Flight states that because an NPRM has already been issued in Docket No. 94-32, the only way the Commission can give parties an

opportunity to comment on its PP Request is to issue a public notice.

We concur with In-Flight that due to the special circumstances surrounding its PP Request, issuance of a public notice is appropriate in this case. Accordingly, we are assigning file number PP-88 to the Request and invite comment on it and the Supplement. Comments must reference both PP-88 and ET Docket No. 94-32 on the cover page. Comments are due July 3, 1995, and reply comments are due July 13, 1995. We note that In-Flight's PP Request has been formally opposed. Accordingly, the PP Request constitutes a restricted Commission proceeding in which *ex parte* presentations are prohibited; see 47 CFR 1.1208(c).

In-Flight's PP Request, including the Supplement, is available for inspection in the FCC Reference Center, Room 239, 1919 M Street N.W., Washington, DC during regular business hours. This material may also be purchased from the Commission's duplication contractor, International Transcription Service, Inc., 2100 M Street, NW, Suite 140, Washington, DC 20036, (202) 857-3800. For further information, contact Thomas Derenge or Rodney Small in the Office of Engineering and Technology, (202) 739-0703 or (202) 776-1622, respectively.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

[FR Doc. 95-15395 Filed 6-22-95; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1053-DR]

Illinois; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA-1053-DR), dated May 30, 1995, and related determinations.

EFFECTIVE DATE: June 15, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective June 15, 1995.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

*Associate Director, Response and Recovery
Directorate.*

[FR Doc. 95-15455 Filed 6-22-95; 8:45 am]
BILLING CODE 6718-02-M

[FEMA-1053-DR]

Illinois; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois, (FEMA-1053-DR), dated May 30, 1995, and related determinations.

EFFECTIVE DATE: June 16, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Illinois dated May 30, 1995, is hereby amended to include Individual Assistance and Public Assistance in the following areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 30, 1995:

Madison and St. Clair for Public Assistance (already designated for Individual Assistance).

Alexander, Brown, Calhoun, Cass, Greene, Jackson, Jersey, Mason, Monroe, Morgan, Pike, Pulaski, Randolph, Schuyler, Scott, and Union for Public Assistance and Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

*Deputy Associate Director, Response and
Recovery Directorate.*

[FR Doc. 95-15456 Filed 6-22-95; 8:45 am]
BILLING CODE 6718-02-M

[FEMA-1055-DR]

Kentucky; Major Disaster and Related Determinations

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Kentucky (FEMA-1055-DR), dated June 13, 1995, and related determinations.

EFFECTIVE DATE: June 13, 1995.