

FELOP program for the issuance of FELOP for HAP regulated under section 112 of the CAA. EPA is publishing this action without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective September 22, 1995 unless within 30 days of its publication, adverse or critical comments are received. If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective September 22, 1995.

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 22, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA, 42 U.S.C. 7607 (b)(2).)

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated today does not

include a Federal mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Dated: June 23, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95-17615 Filed 7-21-95; 8:45 am]

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40 CFR Part 300

[FRL-5262-5]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Dakhue Sanitary Landfill Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Dakhue Sanitary Landfill 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 EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. 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, 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: July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Gladys Beard at (312) 886-7253, Associate Remedial Project Manager, Office of Superfund, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: Cannon Falls Public Library, 306 West Mill St., Cannon Falls, MN. 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), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Dakhue Sanitary Landfill Site located in Cannon Falls, Minnesota. A Notice of Intent to Delete was published March 15, 1995 (60 FR 13944) for this site. The closing date for comments on the Notice of Intent to Delete was April 14, 1995. EPA received comments and therefore a Responsiveness Summary was prepared. The Responsiveness Summary and original comments are available in the public information repositories.

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

Dated: July 14, 1995.

Valdas V. Adamkus,

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

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(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 Site “MN Dakhue Sanitary Landfill, Cannon Falls”.

[FR Doc. 95–18115 Filed 7–21–95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 2 and 87**

[GEN Docket No. 90–56; FCC 95–267]

Mobile-Satellite Service and Aeronautical Telemetry

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this *Second Report and Order (Second R&O)* the Commission reallocates the 1525–1530 MHz band to the mobile-satellite service (MSS) on a primary basis for space-to-Earth (downlink) transmissions. This action will increase the efficiency of MSS operations in the previously allocated 1530–1544 MHz band (downlink) and the 1626.5–1645.5 MHz band (Earth-to-space, or uplink) by equalizing the amount of spectrum available in each segment. This action implements a 1992 World Administrative Radio Conference (WARC–92) spectrum allocation and facilitates international coordination for use of this spectrum.

EFFECTIVE DATE: August 23, 1995.

FOR FURTHER INFORMATION CONTACT:

Tom Mooring, Office of Engineering and Technology, (202) 776–1620.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second R&O* in GEN Docket No. 90–56, adopted June 26, 1995, and released July 6, 1995. The complete *Second R&O* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington DC 20037.

Summary of Second R&O

1. In the *First Report and Order*, 58 FR 34920 (June 30, 1993), the Commission allocated 14 megahertz of downlink spectrum at 1530–1544 MHz and 19 megahertz of uplink spectrum at 1626.5–1645.5 MHz to the MSS on a co-primary basis with the Maritime Mobile-Satellite Service (MMSS). The Commission also provided that MMSS distress and safety communications have priority access with real-time preemptive capability throughout the subject bands.

2. In the *Further Notice of Proposed Rule Making*, 58 FR 34404 (June 25, 1993), the Commission proposed to allocate five megahertz of spectrum at 1525–1530 MHz for MSS downlink use on a primary basis. The Commission indicated that this allocation would permit enhanced efficiency of future MSS operations in the 1.5/1.6 GHz spectrum range (L-band) by equalizing the amount of spectrum in the uplink and downlink bands available for MSS communications. Currently this spectrum is part of the 1435–1530 MHz band that is allocated to the mobile service on a primary basis for aeronautical telemetry. The Commission tentatively concluded that it does not appear to be technically feasible for aeronautical telemetry and MSS to operate in the 1525–1530 MHz band on a co-primary basis, and therefore proposed to reallocate this band on a primary basis to the MSS only. The Commission also proposed to permit aeronautical telemetry in the band on a secondary basis, with no grandfathering of existing aeronautical telemetry users.

3. All parties submitting comments in response to the *Further Notice of Proposed Rule Making* support the proposal to reallocate the 1525–1530 MHz band for MSS operations. In addition, the issue of whether MMSS distress and safety communications in the 1525–1530 MHz band should have priority access with real-time capability was raised.

4. The Commission finds that the reallocation of the 1525–1530 MHz band to the MSS on a primary basis would enhance the efficiency of satellite operations in the L-band by equalizing the amount of spectrum in the uplink and downlink band segments available for MMSS communications. The Commission disagrees with the argument that the 1525–1530 MHz band should be subject to the priority access and immediate availability requirements for MMSS distress and safety communications. The Commission is unable to identify any domestic need for additional global MMSS distress and

safety spectrum. The Commission currently requires that MSS systems monitor nearby MMSS systems so that MMSS distress and safety communications receive priority access with real-time preemption in the 1626.5–1631.5 MHz and other bands. However, since the Commission is not licensing MMSS systems in the 1525–1530 MHz band, it is not necessary to extend this requirement to include the 1525–1530 MHz band.

5. The Commission also finds that the existing primary allocation for aeronautical telemetry in the 1525–1530 MHz band should be downgraded to a secondary service so as not to inhibit MSS operations. Since an MSS system would serve essentially all of the nation and aeronautical telemetry operations tend to affect relatively large geographic areas, the Commission believes that it would not be practical for those services to share the band on a co-primary basis. Accordingly, the 1525–1530 MHz band is allocated on a primary basis to the MSS and on a secondary basis to the mobile service for aeronautical telemetry, and footnote US78 is modified as set forth in the amendatory text. Finally, the Commission expects that the band will be in use by MSS systems by the end of 1995. Therefore, aeronautical telemetry users of the band should be aware that they may have to protect or receive interference from such operations.

6. Several of the commenting parties address issues of eligibility that were not raised in the *Further Notice of Proposed Rule Making*. The Commission is not addressing these issues herein, as they are outside the scope of this proceeding. Licensing issues, including eligibility standards and operating rules, will be the subject of a new proceeding that the Commission intends to initiate in the near future.

7. Accordingly, It Is Ordered; That Parts 2 and 87 of the Commission's Rules Are Amended as specified below, effective August 23, 1995. It Is Further Ordered; That the Request for Clarification filed by Loral Qualcomm Satellite Services, Inc. Is Granted to the extent discussed above and Is Denied in all other respects. This action is taken pursuant to Sections 4(i), 7(a), 302, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157(a), 302, 303(c), 303(f), 303(g), and 303(r).

List of Subjects

47 CFR Part 2

Radio.