

Secretariat for consideration at the Eight Meeting of the Parties to be held in September, 1996 or later. Applications for essential use exemptions should be submitted to EPA no later than 30 days after the date of publication of this notice to allow time for a review of the information before the deadline for submitting nominations to the Secretariat.

As described previously, the Parties established criteria to identify essential uses and a process to decide which uses would qualify under Decision IV/25. The Decision states that "a use of a controlled substance should qualify as essential only if: (i) it is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and (ii) there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health." In addition, the Parties agreed "that production and consumption, if any, of a controlled substance, for essential uses should be permitted only if: all economically feasible steps have been taken to minimize the essential use and any associated emission of the controlled substance; and the controlled substance is not available in sufficient quantity and quality from the existing stocks of banked or recycled controlled substances." When submitting a nomination to the Secretariat, the U.S. must be able to demonstrate that the proposed uses meet these criteria. The burden of proof is on the nominating country, and applications failing to prove that these criteria have been met will be rejected by the Parties. Thus, it is incumbent upon applicants to ensure that all applications are supported by complete and detailed documentation including the types of information outlined in the Handbook on Essential Use Nominations to allow EPA to determine whether to submit the applications as nominations, and to assist EPA in presenting a strong and credible case before the Parties and the recommending Panel for those nominations.

All requests for nominations submitted to EPA must present the following information in the manner prescribed in the Panel Handbook. EPA will not forward incomplete or inadequate nominations to the Montreal Protocol Secretariat for consideration, and therefore recommends that applicants make every effort to provide the requested information. Applicants should contact the Essential Use Program Manager to obtain a copy of the Handbook on Essential Use Nominations, prepared by the Panel, for

guidance on preparing nominations. As noted in that book, nominations should, at a minimum:

(1) Provide details of the type, quantity and quality of the controlled substance that is requested to satisfy the use that is the subject of the nomination. Indicate the period of time and the annual quantities of the controlled substance that are requested.

(2) Provide a detailed description of the use.

(3) Explain why this use is necessary for health and/or safety, or why it is critical for the functioning of society.

(4) Explain what other alternatives and substitutes have been employed to reduce the dependency on the controlled substance for this application.

(5) Explain what alternatives were investigated and why they were not considered adequate (technically, economically or legally).

(6) Describe the measures that are proposed to eliminate all unnecessary emissions. At a minimum, this explanation should include design considerations and maintenance procedures.

(7) Explain what efforts are being undertaken to employ other measures for this application in the future.

(8) Explain whether the nomination is being made because national or international regulations require use of the controlled substance to achieve compliance. Provide full documentation including the name, address, phone and fax number of the regulatory authority requiring use of the controlled substance and provide a full copy or summary of the regulations. Explain what efforts are being made to change such regulations or to achieve acceptance on the basis of alternative measures that would satisfy the intent of the requirement.

(9) Describe the efforts that have been made to acquire stockpiled or recycled controlled substance for this application both from within your nation and internationally. Explain what efforts have been made to establish banks for the controlled substance.

(10) Briefly state any other barriers encountered in attempts to eliminate the use of the controlled substance for this application.

(11) Demonstrate consistency with CAA provisions on essential uses.

All nominations should be sent to: Karen Metchis, Program Manager, Essential Use Exemptions, Mail Stop 6205J, Environmental Protection Agency, Washington, DC 20460, FAX: (202) 233-9577, Phone: (202) 233-9193

EPA will work with submitters, other interested federal agencies, and outside

experts to review this information and forward nominations to the Protocol's Secretariat for consideration as appropriate and consistent with any CAA limitations.

Dated: October 6, 1995.

Richard D. Wilson,
Acting Assistant Administrator, Office of Air and Radiation.

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[FRL-5318-6]

Notice of Proposed Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice; Request for Public Comment.

SUMMARY: In accordance with Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. 9622, notice is hereby given that a proposed purchaser agreement associated with the Merit Products Superfund Site in Philadelphia, PA, was executed by the Agency on September 29, 1995 and is subject to final approval by the United States Department of Justice. The Purchaser Agreement would resolve certain potential EPA claims under Section 107 of CERCLA, 42 U.S.C. 9607, against Henshell Corporation, the City of Philadelphia, and the Philadelphia Industrial Development Corporation ("The purchasers"). The settlement would require the Henshell Corporation to pay a principal payment of \$3,500 within thirty (30), days and \$14,000 after Henshell acquires title to the property, to the Hazardous Substances Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107.

DATES: Comments must be submitted on or before November 22, 1995.

ADDRESSES: The proposed agreement and additional background information

relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. A copy of the proposed agreement may be obtained from Suzanne Canning, U.S. Environmental Protection Agency, Regional Docket Clerk (3RC00), 841 Chestnut Building, Philadelphia, PA 19107. Comments should reference the "Merit Products Superfund Site" and "EPA Docket No. 95 III-95-10-10-DC", and should be forwarded to Suzanne Canning at the above address.

FOR FURTHER INFORMATION CONTACT: Charles B. Howland (3RC23), Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 841 Chestnut Building, Philadelphia, PA 19107, Phone: (215) 597-3210.

Dated: September 29, 1995.

W. Michael McCabe,

Regional Administrator, U.S. Environmental Protection Agency, Region III.

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FEDERAL COMMUNICATIONS COMMISSION

New Procedures, Terms and Conditions for Broadband PCS C Block Auction, Scheduled for December 11, 1995

AGENCY: Federal Communications Commission.

ACTION: Public notice.

SUMMARY: This Public Notice, released October 6, 1995, announces the procedures, terms and conditions for the auction of the 493 BTA licenses to provide PCS on the C block of the 2 CHz band, scheduled to begin December 11, 1995. This Public Notice supersedes the Public Notice issued on July 20, 1995, and is designed to assist prospective bidders in preparing for the upcoming C block auction.

FOR FURTHER INFORMATION CONTACT: The FCC auction contractor, Hudson & Marshall, Inc., at (202) 408-1322. The complete text of the Public Notice dated October 6, 1995 follows. Copies of this item is available for public inspection in Room 207, 2033 M Street NW., Washington, DC and may also be obtained from the FCC copy contractor, ITS, Inc. at (202) 418-0620, and the FCC auction contractor, Hudson & Marshall, Inc., at (202) 408-1322.

SUPPLEMENTARY INFORMATION:

New Public Notice on Procedures, Terms and Conditions for Broadband PCS C Block Auction

Synopsis

Auction Date: Monday, December 11, 1995. The precise schedule for bidding in the first week of the auction will be announced by Public Notice prior to the start of the auction. Unless otherwise announced, bidding will be conducted on each business day, until bidding has stopped on all Basic Trading Area (BTA) licenses.

Auction Workshop Seminar Date: Thursday, November 16, 1995.

Auction Methodology: Simultaneous multiple round bidding. Bidding in this auction will only be permitted from remote locations, either electronically (by computer) or telephonically.

Licenses to be Auctioned: 493 licenses to provide PCS in the 2 GHz band. These licenses will authorize service on 30 MHz of spectrum over the 493 BTAs in the United States and will be on frequency block C (one of the "Entrepreneurs' Blocks"). Frequency Block C encompasses 1895-1910 MHz paired with 1975-1990 MHz.

Pre-Auction Deadlines:

- Short form Application (FCC Form 175)—5:30 p.m., et, Monday, November 6, 1995
- Upfront Payments:
 - Wire Transfer—3:00 p.m., et, Monday, November 27, 1995
 - Cashier's Check—11:59 p.m., et, Monday, November 27, 1995

Telephone Contacts:

- Bidder Information Package and Supplemental Bidder Package—(202) 408-1322
- Auction Hotline—(202) 418-1400
- FCC Technical Support Hotline—(202) 414-1260

This Public Notice supersedes the Public Notice issued on July 20, 1995, concerning the Personal Communication Services (PCS) C block auction.

Those wishing to participate in the C block auction must submit a "short-form" application on FCC Form 175 in accordance with the Commission's rules and instructions in this Public Notice and in a soon-to-be-released "Supplemental Bidder Package." Applicants should note that this Supplemental Bidder Package will include a revised FCC Form 175. Potential applicants will be able to order the supplement by calling the auctioneer, Hudson & Marshall, at (202) 408-1322. The FCC Form 175 must be received no later than 5:30 p.m. Eastern Time on Monday, November 6, 1995,

and must be received either electronically or manually pursuant to the instructions set forth in the original Bidder Information Package, the Supplemental Bidder Package, and this Public Notice. Applicants should note that the previous version of the FCC Form 175 is no longer valid. A new FCC Form 175 (marked "October 1995" in the bottom right-hand corner) will be included in the Supplemental Bidder Package. Furthermore, the FCC Form 175-M which was used in the MDS auction will *not* be accepted for the C block auction.

Applicants for the C block auction are encouraged to file their FCC Form 175s electronically. Applicants should be aware that those applicants who file applications electronically will be permitted to bid electronically or telephonically. Applicants who file their applications manually, however, will only be permitted to bid telephonically.

New instructions regarding electronic filing are contained in this Public Notice. Applicants whose FCC Form 175s have been accepted for filing will be required to submit an upfront payment (in U.S. dollars) to be eligible to participate in the auction. The upfront payment must be made by wire transfer or cashier's check payable to the "Federal Communications Commission" or "FCC" and must be received on or before Monday, November 27, 1995, at the Mellon Bank in Pittsburgh, Pennsylvania. No other form of payment will be accepted.

The information contained in this Public Notice may be subsequently amended or supplemented. The FCC will issue Public Notices to convey the new or supplemental information to prospective bidders. It is the responsibility of all prospective bidders, however, to remain fully informed regarding all FCC rules and Public Notices pertaining to this auction. FCC Public Notices and other documents may be obtained for a fee by calling the FCC copy contractor, International Transcription Services, Inc., at (202) 857-3800. Additionally, prospective bidders may retrieve some of these documents from the FCC Internet node via anonymous FTP@FCC.gov.

Part I: Revised Pre-Auction Procedures

I. Eligibility to Bid on an Entrepreneurs' Block License

Potential applicants should consult the Commission's Sixth Report and Order in PP Docket No. 93-253 *et seq.*, 60 FR 37786 (July 21, 1995), concerning changes to the eligibility rules. A copy of the Sixth Report and Order will be