

It was concluded that the site is not a public health threat to area residents; the area residents are not within one-half mile of the site." No further actions or evaluations were recommended.

Hazardous substances encapsulated in the cell on the site, however, are above health-based levels that do not allow for unlimited use of and unrestricted access to the consolidation cell area. Therefore, EPA conducted a statutory five-year review in November of 1994, and the next scheduled review will be in November 1999, pursuant to OSWER Directive 9355.7-02, "Structure and Components of Five-Year Reviews."

Based on the successful encapsulation of hazardous substances in the consolidation cell, the results of O&M monitoring to date, and ATSDR's review, EPA has determined that the remedy is protective and no further response action is necessary. This is consistent with current EPA policy as discussed on page 66601 of the December 24, 1991 Federal Register, 40 CFR Part 300. State-funded O&M and EPA-funded Five-Year Reviews will continue in the future, but site deletion should proceed since applicable deletion criteria have been satisfied.

EPA, with the concurrence of the State of Texas, has determined that all appropriate Fund-financed responses under CERCLA at the Bio-Ecology Systems Superfund Site have been completed, and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of Texas have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

Dated: April 9, 1996.

Jane Saginaw,

Regional Administrator.

[FR Doc. 96-11208 Filed 5-3-96; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-95, RM-8787]

Radio Broadcasting Services; Plattsmouth, NE, and Osceola, IA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Platte Broadcasting Company, Inc., seeking the substitution of Channel 295C3 for Channel 295A at Plattsmouth, NE, and

the modification of Station KOTD-FM's license to specify operation on the higher class channel. To accommodate the allotment at Plattsmouth, the Commission also proposes to substitute Channel 296C2 for Channel 295C2 at Osceola, IA, and the modification of Station KJJC's license to specify operation on the alternate Class C2 channel. Channel 295C3 can be allotted to Plattsmouth in compliance with the Commission's minimum distance separation requirements with a site restriction of 18.4 kilometers (11.4 miles) northeast, at coordinates 41-09-22 NL; 95-47-03 WL, to avoid a short-spacing to Station KTPK, Channel 295C, Topeka, Kansas, and to accommodate petitioner's desired transmitter site. Channel 296C2 can be allotted to Osceola and used at Station KJJC's presently transmitter site, at coordinates 41-01-34 NL; 93-51-43 WL.

DATES: Comments must be filed on or before June 17, 1996, and reply comments on or before July 2, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Richard J. Hayes, Jr., Esq., 13809 Black Meadow Road, Greenwood Plantation, Spotsylvania, Virginia 22553 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-95, adopted April 8, 1996, and released April 25, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-11130 Filed 5-3-96; 8:45 am]

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47 CFR Part 73

[MM Docket No. 96-94; RM-8790]

Radio Broadcasting Services; Eufaula, Wagoner and Warner, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Tri-Mac Broadcasting seeking the reallocation of Channel 271A from Wagoner to Warner, Oklahoma, and the modification of Station KRQZ-FM's license to specify Warner as its community of license. We also propose the substitution of Channel 273C3 for Channel 272A at Eufaula, Oklahoma, and the modification of Station KCES' license to specify operation on the higher class channel. Channel 271A can be allotted to Warner in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.0 kilometers (1.9 miles) west, at coordinates 35-29-16 NL; 95-20-15 WL, to avoid a short-spacing to the reference coordinates for Station KEOK, Channel 269C3, Tahlequah, OK, and Station KENA-FM, Channel 271C3, Mena, AR. Channel 273C3 can be allotted to Eufaula with a site restriction of 18.2 kilometers (11.3 miles) south, which is the transmitter site specified in Station KCES' pending application (BPH-960319ID). In accordance with Sections 1.420(i) and (g), competing expressions of interest in the use of Channel 271A at Warner or Channel 273C3 at Eufaula will not be accepted.

DATES: Comments must be filed on or before June 17, 1996, and reply comments on or before July 2, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John F. Garziglia, Esq., Pepper & Corazzini, L.L.P., 1776 K Street, NW., Suite 200, Washington, DC 20006 (Counsel to petitioner).