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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[FRL-5884-9]

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

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Notice of partial deletion of the Unit Structure Property from the Koppers Company, Inc., superfund site, Morrisville, Wake County, North Carolina, from the national priorities list.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Unit Structure Property portion of the Koppers Company, Inc. Superfund Site from the National Priorities List (NPL), (Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP)). EPA and the State of North Carolina Department of Environment, Health and Natural Resources have determined that the Unit Structure Property poses no significant threat to public health or the environment and, therefore, under the

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedial measures are not appropriate. This deletion does not preclude future action under Superfund.  
**EFFECTIVE DATE:** September 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** Please contact Beverly T. Hudson, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, North Site Management Branch, 61 Forsyth Street, S.W., Atlanta, Georgia 30303-3014, (404) 562-8816 or 1-800-435-9233.

**SUPPLEMENTARY INFORMATION:** The Site affected by this partial deletion from the NPL is: Koppers Company, Inc. Superfund Site, Wake County, Morrisville, North Carolina.

A Notice of Intent to Delete for this Site was published on June 23, 1997 at 62 FR 33787. The closing date for comments on the Notice of Intent to Delete was July 23, 1997. EPA received no written comments, and only one by telephone which supported the partial deletion action.

EPA identifies sites that appear to present a significant risk to the public health, welfare and the environment and it maintains the NPL as the list of those sites. Any site or portion thereof deleted from the NPL remains eligible for Fund-financed remedial actions in the future. Section 300.425(e)(3) 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 Agency efforts to recover costs associated with response efforts.

**List of Subjects in 40 CFR Part 300**

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

Dated: August 14, 1997.

**A. Stanley Meiburg,**  
*Deputy Regional Administrator, U.S. EPA, Region 4.*

For reasons set out in the preamble, 40 CFR Part 300 is amended as follows:

**PART 300—[AMENDED]**

The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; 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 revising the entry for Koppers Co., Inc. (Morrisville Plant), Morrisville, North Carolina to read as follows:

**Appendix B to Part 300—National Priorities List**

TABLE 1.—GENERAL SUPERFUND SECTION

| State | Site name                             | City/county | Notes |
|-------|---------------------------------------|-------------|-------|
| NC    | Koppers Co., Inc. (Morrisville Plant) | Morrisville | P     |

P = Sites with parial deletion(s).

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 90**

[PR No. 89-552; FCC 97-225]

**Use of the 220-222 MHz Band by the Private Land Mobile Radio Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this *Fourth Report and Order*, the Commission repeals the "40-mile rule" for all nationwide and non-nationwide Phase I 220 MHz Service licensees. The 40-mile rule provides that no Phase I 220 MHz licensee may be authorized to operate a station in a particular service category within 40 miles of an existing system authorized to that licensee in the same category unless "the licensee can demonstrate that the additional system is justified on the basis of its communications requirements." This action is needed because the 40-mile rule no longer serves its original purpose and repeal of

the rule is expected to promote competition among all commercial mobile radio service providers.

**EFFECTIVE DATE:** October 2, 1997.

**FOR FURTHER INFORMATION CONTACT:** Eli Johnson, 202-418-1310.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the *Fourth Report and Order* in PR Docket No. 89-552, FCC 97-225, adopted June 23, 1997, and released August 25, 1997. The complete text of the *Fourth Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the