

holidays. The TSCA NCIC is located at EPA Headquarters, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

#### List of Subjects

Environmental protection, Chemicals, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: January 12, 1998.

**Lynn R. Goldman,**

*Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

[FR Doc. 98-1644 Filed 1-22-98; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-5952-1]

#### Proposed Cost Recovery Settlement Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as Amended, 42 U.S.C. 9622(h)(1), Hadley Street Drum Site, St. Louis, Missouri

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed cost recovery settlement under section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9662(h)(1), Hadley Street Drum Site, St. Louis, Missouri.

**SUMMARY:** The United States Environmental Protection Agency (EPA) is proposing to enter into a cost recovery administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9622(h)(1). This settlement is intended to resolve the liability of Hadley Street Real Estate Company, Inc. ("Hadley Street Real Estate") for the response costs incurred by the EPA in overseeing a removal action conducted by Hadley Street Real Estate at the Hadley Street Drum Superfund Site, St. Louis, Missouri. The proposed settlement was signed by the Environmental Protection Agency (EPA) on October 8, 1997. Because EPA's total response costs did not exceed \$500,000, the Attorney General's concurrence is not required for this settlement.

**DATES:** Written comments must be provided on or before February 23, 1998.

**ADDRESSES:** Comments should be addressed to Daniel J. Shiel, Office of Regional Counsel, United States Environmental Protection Agency,

Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101 and should refer to: *In the matter of Hadley Street, Real Estate Company, Inc.*, EPA Docket NO. VII-98-F-0001.

The proposed administrative settlement may be examined in person at the United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. To request a copy by mail please refer to the matter name and docket number set forth above and enclose a check in the amount of \$3.75 (25 cents per page for reproduction costs), payable to the United States Environmental Protection Agency.

**SUPPLEMENTARY INFORMATION:** The proposed administrative settlement concerns the Hadley Street Drum Superfund Site in St. Louis, Missouri. On July 24, 1992, EPA issued a CERCLA 106(a) Unilateral Administrative Order ("the Order") to Respondent requiring it to conduct removal actions at the Site.

This administrative action was captioned *In the matter of Hadley Street Drum Site*, EPA Docket NO. VII-92-F-0024. The Hadley Street Drum Site included properties located at 1515 and 1531-1541 Hadley Street, St. Louis, Missouri. Hadley Street Real Estate owned a portion of the Site at the time EPA issued the UAO. Hadley Street Real Estate conducted the removal actions ordered by EPA on its property and EPA conducted the necessary removal actions on the other portion of the Site.

Hadley Street Real Estate did not agree to reimburse EPA's costs of overseeing the removal action. By letter dated October 12, 1995, EPA mailed Respondent an Itemized Cost Summary with a demand that Respondent pay EPA \$31,806.21 in response costs. This led to submittal of information on behalf of Hadley Street Real Estate supporting its claim of inability to pay the full amount of EPA's costs. Hadley Street Real Estate ultimately offered to pay \$5,000 of EPA's costs. EPA Region VII reviewed the information submitted by Hadley Street Real Estate and concluded that it could not pay more than the \$5,000 offered in settlement.

Dated: December 15, 1997.

**Dennis Grams,**

*Regional Administrator.*

[FR Doc. 98-1641 Filed 1-22-98; 8:45 am]

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#### FARM CREDIT ADMINISTRATION

#### Sunshine Act Meeting; Farm Credit Administration Board; Regular Meeting

**AGENCY:** Farm Credit Administration.

**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), that the March 12, 1998 regular meeting of the Farm Credit Administration Board (Board) will not be held.

**FOR FURTHER INFORMATION CONTACT:** Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883-4025, TDD (703) 883-4444.

**ADDRESSES:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

Dated: January 22, 1998.

**Floyd Fithian,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 98-1773 Filed 1-21-98; 2:17 pm]

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#### FARM CREDIT ADMINISTRATION

#### Sunshine Act Meeting; Farm Credit Administration Board; Special Meeting

**AGENCY:** Farm Credit Administration.

**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

**DATE AND TIME:** The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on January 27, 1998, from 9:00 a.m. until such time as the Board concludes its business.

**FOR FURTHER INFORMATION CONTACT:** Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883-4025, TDD (703) 883-4444.

**ADDRESSES:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

**SUPPLEMENTARY INFORMATION:** Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

#### Open Session

- A. Approval of Minutes
- B. New Business Regulation General Financing Agreements [12 CFR Part 614] (Final)

#### \* Closed Session

- C. Report OGC Litigation Report
- \* Session closed-exempt pursuant to 5 U.S.C. 552b(c)(10).

Dated: January 22, 1998.

**Floyd Fithian,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 98-1774 Filed 1-21-98; 2:17 pm]

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## FEDERAL COMMUNICATIONS COMMISSION

[DA 98-37]

### Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction

Released: January 9, 1998.

Over the past weeks, the Wireless Telecommunications Bureau ("Bureau") has received numerous inquiries concerning the auction rules and eligibility requirements for the Local Multipoint Distribution Service ("LMDS") auction scheduled to commence on February 18, 1998. In this Public Notice, the staff provides guidance on a range of issues involving the rules for the LMDS auction.

The service and auction rules pertaining to LMDS are found in parts 1 and 101 of the Commission's rules (Title 47 of the Code of Federal Regulations). The Commission's rules governing eligibility for bidding credits were established to ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and/or women (collectively referred to as "designated entities" or "DEs") are provided meaningful opportunities to compete in the provision of LMDS. These rules are primarily addressed in the *LMDS Second Report and Order*, the *LMDS Order on Reconsideration*, and the *LMDS Second Order on Reconsideration*. Additional auction information is provided to potential bidders in a comprehensive Bidder Information Package. This package contains guidelines regarding pre-auction procedures, the auction event, and post-auction procedures. (Interested parties can order an LMDS Bidder Information Package by calling (888) 225-5322, Option #2. Applicants are entitled to one free LMDS Bidder Information Package; additional copies cost \$16 each.) The Bureau will release a public notice setting forth minimum opening bids for the LMDS auction prior to the FCC Form 175 short form filing deadline.

Many of the inquiries the Bureau has received are based on the inquiring parties' specific circumstances. The Bureau has recast the most frequently asked questions in more general terms

in order to provide guidance to a larger group of interested parties. Potential applicants should understand that the advice and rule interpretations provided in this Public Notice constitute informal staff opinion, not official Commission decisions or rulings.

#### I. General Ownership Issues

**Q:** When disclosing ownership information on the FCC Form 175, should applicants report all entities that hold a five percent or greater voting (control) interest or other economic interest?

**A:** In previous services (e.g., broadband PCS), the Commission specifically required that applicants report all entities that held interests in the applicant of five percent or more that also held or were applying for CMRS or PMRS licenses. For LMDS, applicants must comply with the general reporting rule set forth in Part 1 of the Commission's rules, which is less specific about which entities must be identified. By identifying on Attachment A to their FCC Forms 175 all entities holding five percent or greater interests in the applicant that also hold or are applying for CMRS or PMRS licenses, applicants will assist themselves in identifying entities with which they must avoid contact pursuant to the anti-collusion rule. Applicants should be aware that at the long-form application stage, they will be subject to the reporting requirements contained in the newly adopted Part 1 ownership disclosure rule.

**Q:** Can new non-controlling investors be added after the FCC Form 175 is filed and throughout the auction?

**A:** New non-controlling investors can be added after the FCC Form 175 is filed and throughout the duration of the auction, provided their addition does not result in a change of control of the applicant. An applicant should amend its FCC Form 175 within 10 business days of any change, and should provide notice of the change by letter addressed to Kathleen O'Brien Ham, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, 2025 M Street, N.W., Suite 5202, Washington, D.C. 20554, with a copy filed with the Office of the Secretary, 1919 M Street, N.W., Washington, D.C. 20554.

**Q:** When an applicant is a consortium, can only one member of the consortium conduct bidding during the auction? What if a member of a consortium decides to withdraw during the auction?

**A:** A consortium is defined as "a conglomerate organization formed as a joint venture between or among mutually independent business firms,

each of which individually satisfies the definition of a very small business, small business or entrepreneur." Where an applicant is a consortium, the gross revenues of its members are not aggregated. The definition of consortium does not prohibit one member from placing the bids for the consortium as a whole.

Because each member of a consortium must individually satisfy the definition of a very small business, small business, or entrepreneur at the FCC Form 175 filing deadline, members may withdraw during the course of the auction, or afterward, without endangering the treatment of the consortium. The withdrawal of a member would merely change the composition of the consortium, and should be reflected in a filing with the Commission. On the other hand, adding a new member to a consortium after the FCC Form 175 filing deadline will not be permitted because the filing deadline is the cut-off date for determinations of whether applicants meet the definitions of very small business, small business, or entrepreneur.

#### II. Foreign Ownership Issues

**Q:** How much foreign ownership of a licensee is permissible? Can LMDS applicants seek more than 25 percent indirect foreign ownership?

**A:** Section 310(a) of the Communications Act of 1934, as amended ("Communications Act"), prohibits granting any wireless license to a foreign government or a representative thereof. Section 310(b) of the Communications Act imposes restrictions on the foreign ownership of common carrier, broadcast, and aeronautical licensees. Under this section, the Commission may not grant a common carrier wireless license to an alien, the representative of an alien, any corporation organized under the laws of any foreign government, or any corporation of which more than 20 percent is owned by foreign entities. Section 310(b)(4) imposes additional restrictions on the foreign ownership of the parent corporation of a common carrier licensee, specifically that no common carrier license shall be granted to or held by "any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens \* \* \* or by any corporation organized under the laws of a foreign country . . . if the Commission finds that the public interest will be served by the refusal or revocation of such license." Under the *Foreign Participation Order*, the Commission recently liberalized its