blood lead concentration of 10 micrograms of lead per deciliter of blood. The 126 mg/kg action level for arsenic was derived from a target cancer risk level of 10^{-4}.

H. Community Involvement

The RI and FFS reports and the Proposed Plan for the Davenport and Flagstaff Smelters Superfund Site were made available to the public June 10, 2002. A public comment period was held from June 10, 2002 to August 22, 2002. In addition, a public meeting was held on June 20, 2002 to present the Proposed Plan. A response to the comments received on the Proposed Plan is included in the Responsiveness Summary, which is part of the Record of Decision (ROD).

Public participation activities have been satisfied as required in Sections 113(k), and 117 of CERCLA, 42 U.S.C. 9613(k) and 9617. Documents in the deletion docket, which EPA relied on for recommendation of the partial deletion from the NPL, are available to the public in the information repositories.

V. Partial Deletion Action

The EPA, with concurrence of the State of Utah, has determined that all appropriate responses under CERCLA for the referenced properties have been completed and that no further response actions under CERCLA are necessary. The properties in this partial deletion either did not require remediation or all soil containing identified contaminants was removed. Therefore, EPA is deleting these 23 properties from the NPL.

Because EPA considers this action to be non-controversial and routine, EPA is taking it without prior publication. This action will be effective October 19, 2004 unless EPA receives adverse comments by September 20, 2004 on a parallel notice of intent to delete published in the ''Proposed Rules'' section of today's **Federal Register**. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of partial deletion before the effective date of the deletion and it will not take effect. EPA will simultaneously prepare a response to comments and continue with the partial deletion process on the basis of the notice of intent to partially delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substance, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 28, 2004.

Robert E. Roberts,

Regional Administrator,Region 8.

■ For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. 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 under Utah for ''Davenport and Flagstaff Smelters'' to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes [a]
* * *	* * *	* * *	*
UT	Davenport and Flagstaff Smelters	Sandy City	P
* * *	* * *	* * *	*

[a] * * *

P = sites with partial deletion(s).

[FR Doc. 04–18966 Filed 8–19–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 02–34; FCC 04–147]

Satellite Licensing Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts rule revisions to reduce the amount of the bond that satellite licensees are required to file when they are issued their licenses. These rule changes are intended to reduce disincentives against filing satellite license applications proposing new or innovative services.

DATES: Effective September 20, 2004.

FOR FURTHER INFORMATION CONTACT: Steven Spaeth, Attorney Advisor, Satellite Division, International Bureau, telephone (202) 418–1539 or via the Internet at *steven.spaeth@fcc.gov.*

SUPPLMENTARY INFORMATION: This summary of the Commission's *First Order on Reconsideration and Fifth Report and Order,* IB Docket No. 02–34, FCC 04–147, adopted June 22, 2004, and released July 7, 2004. The complete text of this *First Order on Reconsideration and Fifth Report and Order* is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail *http://www.BCPIWEB.com.*

Regulatory Flexibility Analysis: In this *Fifth Report and Order,* the Commission adopts revisions to the current interim bond amounts. Those bond amounts are now $3 million for each GSO satellite and $5 million for each NGSO constellation as the required bond amounts on a going-forward basis. In addition, in this *Fifth Report and Order,* the Commission considered and rejected giving all satellite licensees the option of creating an escrow account rather than posting a bond. The effect of these rule revisions is to reduce the administrative burdens of space station licensees. We expect that this change

will be minimal and positive. Therefore, we certify that the requirements of this Fifth Report and Order will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the *Fifth Report and Order,* including a copy of this final certification, in a report to Congress pursuant to the Congressional Review Act. *See* 5 U.S.C. 801(a)(1)(A). In addition, the *Fifth Report and Order* and this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**. *See* 5 U.S.C. 605(b).

Summary of Report and Order: In the *First Report and Order* in IB Docket No. 02–34, 68 FR 51499, August 27, 2003, the Commission adopted several revisions to its satellite licensing procedures, including a requirement that geostationary orbit (GSO) licensees other than mobile satellite service (MSS) licensees file a $5 million bond within 30 days of receiving their licensees. Non-geostationary orbit (NGSO) licensees and GSO MSS licensees were required to file a $7.5 million bond within 30 days of receiving their licensees.

In the *FNPRM* in this proceeding, the Commission invited comment on revising the bond amounts, and on allowing licensees to establish an escrow account as an alternative to the bond requirement. *See* 68 FR 51546, August 27, 2003. Also, several parties filed petitions for reconsideration, requesting elimination of the bond requirement, among other things.

In this *First Order on Reconsideration and Fifth Report and Order,* the Commission reaches the following conclusions: (1) The Commission rejects arguments that it should eliminate the bond requirement; (2) The Commission reduces the required bond amounts to $3 million for each GSO satellite, including GSO MSS satellites, to avoid unreasonably discouraging new or innovative satellite operators from applying for licenses; (3) The Commission also reduces the required bond amounts to $5 million for each NGSO satellite constellation; (4) The Commission does not adopt the escrow account alternative because it does not adequately meet the public policy objectives of the bond requirements; (5) The Commission defers consideration of all the non-bond-related issues in this proceeding to future Order.

Ordering Clauses

Accordingly, *it is ordered,* that pursuant to sections 4(i), 301, 302, 303(r), 308, 309, and 310 of the Communications Act, 47 U.S.C. 154(i), 301, 302, 303(r), 308, 309, 310, and § 1.429 of the Commission's rules, 47 CFR 1.429, the petitions for reconsideration of the *First Report and Order,* in IB Docket No. 02–34, 68 FR 51499, August 27, 2003, *are denied in part and granted in part,* to the extent indicated above, and otherwise deferred to a future Order.

It is further ordered, pursuant to sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 303(c), 303(f), 303(g), 303(r), that this *Fifth Report and Order* in IB Docket No. 02–34 is hereby ADOPTED.

It is further ordered that part 25 of the Commission's rules IS AMENDED as set forth below. These rule revisions will take effect September 20, 2004.

It is further ordered that the Consumer Information Bureau, Reference Information Center, shall send a copy of this Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 25

Satellites.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Rule Changes

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 25 as follows:

PART 25—SATELLITE COMMUNICATIONS

■ 1. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 701–744. Interprets or applies Sections 4, 301, 302, 303, 307, 309, and 332 of the Communications Act, as amended, 47 U.S.C. Sections 154, 301, 302, 303, 307, 309 and 332, unless otherwise noted.

■ 2. Amend § 25.137 by revising paragraph (d) introductory text and paragraph (d)(4) to read as follows:

§ 25.137 Application requirements for earth stations operating with non-U.S. licensed space stations.

* * * * *

(d) Earth station applicants requesting authority to operate with a non-U.S.-licensed space station and non-U.S.-licensed satellite operators filing letters of intent or petitions for declaratory ruling to access the U.S. market must demonstrate that the non-U.S.-licensed space station has complied with all applicable Commission requirements for non-U.S. licensed systems to operate in the United States, including but not limited to the following:

* * * * *

(4) For non-U.S.-licensed satellites that are not in orbit and operating, a bond must be posted. This bond must be in the amount of $5 million for NGSO satellite systems, or $3 million for GSO satellites, denominated in U.S. dollars, and compliant with the terms of § 25.165 of this chapter. The party posting the bond will be permitted to reduce the amount of the bond upon a showing that a milestone has been met, in accordance with the terms of § 25.165(d) of this chapter.

* * * * *

■ 3. Amend § 25.164 by adding paragraph (g), to read as follows:

§ 25.164 Milestones.

* * * * *

(g) Licensees of satellite systems that include both non-geostationary orbit satellites and geostationary orbit satellites, other than DBS and DARS satellite systems, and licensed on or after September 20, 2004 will be required to comply with the schedule set forth in paragraph (a) of this section with respect to the geostationary orbit satellites, and with the schedule set forth in paragraph (b) of this section with respect to the non-geostationary orbit satellites.

■ 4. Amend § 25.165 by revising paragraph (a) and paragraph (d), and by adding paragraph (e) to read as follows:

§ 25.165 Posting of bonds.

(a) For all satellite licenses issued after September 20, 2004, other than DBS licenses, DARS licenses, and replacement satellite licenses as defined in paragraph (e), the licensee is required to post a bond within 30 days of the grant of its license. Failure to post a bond will render the license null and void automatically.

(1) NGSO licensees are required to post a bond in the amount of $5 million.

(2) GSO licensees are required to post a bond in the amount of $3 million.

(3) Licensees of satellite systems including both NGSO satellites and GSO satellites that operate in the same frequency bands as the NGSO satellites are required to post a bond in the amount of $5 million.

* * * * *

(d) A GSO licensee will be permitted to reduce the amount of the bond by $750,000 upon successfully meeting a milestone deadline set forth in section 25.164(a) of this chapter. An NGSO licensee will be permitted to reduce the

amount of the bond by $1 million upon successfully meeting a milestone deadline set forth in section 25.164(b) of this chapter.

(e) A replacement satellite is one that is:

(1) Authorized to be operated at the same orbit location, in the same frequency bands, and with the same coverage area as one of the licensee's existing satellites, and

(2) Scheduled to be launched so that it will be brought into use at approximately the same time as, but no later than, the existing satellite is retired.

[FR Doc. 04–19142 Filed 8–19–04; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–2393; MB Docket No. 04–113, RM–10923; MB Docket No. 04–114, RM–10924, 10925; MB Docket No. 04–116, RM–10927; MB Docket No. 04–118, RM–10929; MB Docket No. 04–119, RM–10930; MB Docket No. 04–120, RM–10931, MB Docket No. 04–121, RM–10932; MB Docket No. 04–122, RM–10933, RM–10934; MB Docket No. 04–123, RM–10935; MB Docket No. 04–125, RM–10940]

Radio Broadcasting Services; Amherst, NY, Berthold, ND, Cordell, OK, Dillsboro, NC, Hubbardston, MI, Laurie, MO, Madras, OR, Weatherford, OK, West Tisbury, MA, Wynnewood, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division grants ten reservation proposals requesting to amend the FM Table of Allotments by reserving certain vacant FM allotments for noncommercial educational use in Amherst, NY, Berthold, ND, Cordell, OK, Dillsboro, NC, Hubbardston, MI, Laurie, MO, Madras, OR, Weatherford, OK, West Tisbury, MA, Wynnewood, OK. *See* 69 FR 26353, published May 12, 2004. At the request of Starboard Media Foundation, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 282A at West Tisbury, Massachusetts for noncommercial educational use. The reference coordinates for Channel *282A at West Tisbury are 41–22–52 North Latitude and 70–40–30 West Longitude. At the request of Living Proof, Inc. and Lansing Community College, the Audio Division grants petitions requesting to reserve vacant Channel 279A at Hubbardston, Michigan for noncommercial educational use. The reference coordinates for Channel *279A at Hubbardston are 43–5–53 North Latitude and 84–51–54 West Longitude. At the request of American Family Association, the Audio Division grants a petition requesting to reserve vacant Channel 265C3 at Laurie, Missouri for noncommercial educational use. The reference coordinates for Channel *265C3 at Laurie are 38–8–30 North Latitude and 92–50–37 West Longitude. *See* **SUPPLEMENTARY INFORMATION**, *infra.*

DATES: Effective September 13, 2004.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket Nos. 04–113, 04–114, 04–116, 04–118, 04–119, 04–120, 04–121, 04–122, 04–123, 04–125 adopted July 28, 2004 and released July 30, 2004. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160, or via e-mail *http://www.BCPIWEB.com.* The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

At the request of Starboard Media Foundation, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 237A at Dillsboro, North Carolina for noncommercial educational use. The reference coordinates for Channel *237A at Dillsboro are 35–15–56 North Latitude and 83–9–16 West Longitude. At the request of Starboard Media Foundation, Inc., the Audio Division grants a petition to reserve vacant Channel 264C at Berthold, North Dakota for noncommercial educational use. The reference coordinates for Channel *264C at Berthold are 48–18–54 North Latitude and 101–44–22 West Longitude. At the request of Youngshine Media, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 221A at Amherst, New York for noncommercial educational use. The reference coordinates for Channel *221A at Amherst are 42–58–42 North Latitude and 78–48–0 West Longitude. At the request of Great Plains Christian Radio, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 229A at Cordell, Oklahoma for noncommercial educational use. The reference coordinates for Channel *229A at Cordell are 35–17–24 North Latitude and 98–59–24 West Longitude. At the request of Great Plains Christian Radio, Inc. and University of Oklahoma, the Audio Division grants petitions requesting to reserve vacant Channel 286A at Weatherford, Oklahoma for noncommercial educational use. The reference coordinates for Channel *286A at Weatherford are 35–33–2 North Latitude and 98–43–59 West Longitude. At the request of Sister Sherry Lynn Foundation, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 283A at Wynnewood, Oklahoma for noncommercial educational use. The reference coordinates for Channel *283A at Wynnewood are 34–38–42 North Latitude and 97–10–0 West Longitude. At the request of Radio Bilingue, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 251C1 at Madras, Oregon for noncommercial educational use. The reference coordinates for Channel *251C1 at Madras are 44–50–2 North Latitude and 120–45–55 West Longitude.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Massachusetts, is amended by adding Channel *282A and by removing Channel 282A at West Tisbury.

■ 3. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Channel *279A and by removing Channel 279A at Hubbardston.

■ 4. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by adding Channel *265C3 and by removing Channel 265C3 at Laurie.

■ 5. Section 73.202(b), the Table of FM Allotments under North Carolina, is