

analytes are not recovered in the normal range (as specified in the QC acceptance criteria in Method 624), it would be necessary to analyze the QC check sample given in Method 624 to demonstrate that a matrix effect had or had not occurred, and that the laboratory was in control. All other performance requirements in Method 624 would also need to be met and the checklists in the EMMC PBMS Guidance would need to be completed to document the use of a front-end modification of Method 624.

B. Standardization of Methods Across Agency Programs

Under the auspices of EPA's EMMC, the various program offices are working to arrive at a single method that transcends Agency programs for the most commonly used methods. The first method being studied is a method for determination of volatile organics by purge and trap gas chromatography/mass spectrometry (GC/MS). If agreement between the program offices can be reached, this method will encompass the analyte lists and quality control requirements in EPA's Drinking Water, Wastewater, Solid Waste, and Remedial programs. Several possible approaches to the development of analyte lists and QC requirements for consolidated methods are being discussed within the Agency. One possible approach is to examine the QC specifications required by each program and include the most stringent requirements in the consolidated methods. Another possible approach is to re-develop analyte lists and QC specifications for the integrated methods; this approach would necessitate interlaboratory studies that could require extensive Agency resources. EPA seeks a public discussion concerning approaches towards integration of Agency methods.

VI. Other Streamlining Issues

A. Standardized Data Elements for Reporting

EPA is also considering standardized data elements for reporting, with an eye toward reporting of results on magnetic media and via electronic means. In certain of its programs, EPA has been accepting analytical data on magnetic media in precisely defined formats for more than 10 years. However, a more generalized format may have broader use. One such format is the Department of Energy Electronic Data Deliverable Master Specification (DEEMS). EPA seeks a public discussion as to whether the Agency should further pursue electronic formats for reporting data

generated using the 40 CFR Part 136 methods.

B. Withdrawal of Outdated Methods

EPA is also considering withdrawal of methods that the Agency believes are obsolete or are no longer used. For example, 40 CFR 136, Table ID, footnote 3 references methods published in 1978 that include thin-layer chromatography (TLC) methods. EPA believes that TLC methods have been outdated by gas chromatography and high performance liquid chromatograph methods for the analytes to which the methods published in 1978 are applied. EPA is therefore considering a careful examination of Tables 1A through 1E of Part 136 for obsolete or outdated methods, and proposing removal of those methods for which newer methods are available.

C. Incorporation by Reference

It is EPA's intention to reduce the number of pages published in the **Federal Register** and the Code of Federal Regulations by incorporating proposed and promulgated methods, respectively, by reference. The approach is intended to reduce the expense of publication in the FR and CFR. EPA also believes that publication in these documents is unnecessary because analytical methods are esoteric in nature and, therefore, not of interest to the general public. In place of publication in the FR and CFR, copies of the methods would be made available through such outlets as the Government Printing Office, the EPA Water Resource Center, the National Technical Information Service, and through meetings such as the Pittsburgh Conference, the annual meeting of the Water Environment Federation, and EPA's Conference on Analysis of Pollutants in the Environment held annually in Norfolk, Virginia. EPA is also exploring distribution of the full text of the proposed and promulgated 40 CFR Part 136 methods on-line.

Consistent with this approach, EPA would also withdraw the 40 CFR 136 Appendix A methods from the CFR and would incorporate these methods by reference, thus reducing the number of pages of material published annually in the CFR by more than 240.

EPA will discuss this removal of methods from publication in the FR and CFR, the use of the Internet for distribution of methods, and other avenues of distribution that could be used to make methods more accessible to interested parties.

VII. Discussion of Information Contained in This Notice

EPA is particularly interested in eliciting constructive discussion that will allow the Agency to incorporate flexibility into existing methods and streamline proposal and promulgation of new methods under 40 CFR Part 136. On the other hand, EPA is interested in compelling reasons why such a program may not work, even with extensive built-in controls to assure that the results produced by modified or new analytical methods are reliable. At this juncture, the floor should be considered open for discussion. EPA looks forward to working with all interested and concerned parties to produce an improved system for methods approval under the 304(h) program.

Dated: September 1, 1995.

Tudor T. Davies,

Director, Office of Science and Technology.

[FR Doc. 95-22608 Filed 9-11-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 372

[OPPTS-400098; FRL-4972-8]

Zinc Oxide; Toxic Chemical Release Reporting; Community Right-To-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Denial of petition.

SUMMARY: EPA is denying a petition to delist zinc oxide from the zinc compounds category subject to the reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). This decision is based on evidence that zinc ion can become available from zinc oxide through several mechanisms and that zinc ion can reasonably be anticipated to be toxic to aquatic organisms.

FOR FURTHER INFORMATION CONTACT: Maria Doa, Petitions Coordinator, 202-260-5997, or e-mail: doa.maria@epamail.epa.gov, for specific information regarding this document. For further information on EPCRA section 313, contact the Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop 5101, 401 M St., SW., Washington, DC 20460, Toll free: 800-535-0202, Toll free TDD: 800-553-7672.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

This action is issued under sections 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11023. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities also must report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act of 1990 (PPA), 42 U.S.C. 13106. Section 313 established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. Zinc oxide is a zinc compound reportable under the zinc compounds category provided in the initial EPCRA section 313 list of chemicals. Section 313(d) authorizes EPA to add or delete chemicals from the list, and sets forth criteria for these actions. EPA has added and deleted chemicals from the original statutory list. Under section 313(e), any person may petition EPA to add chemicals to or delete chemicals from the list. EPA must respond to petitions within 180 days, either by initiating a rulemaking or by publishing an explanation of why the petition is denied.

EPA issued a statement of petition policy and guidance in the **Federal Register** of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for submitting petitions. On May 23, 1991 (56 FR 23703), EPA issued guidance regarding the recommended content of petitions to delete individual members of the section 313 metal compound categories. EPA has also published a statement clarifying its interpretation of the section 313(d)(2) and (3) criteria for adding and deleting chemical substances from the section 313 list (59 FR 61439, November 30, 1994).

II. Description of Petition and Relevant Regulations

On April 4, 1995, EPA received a petition from the American Zinc Association to delete zinc oxide from the compounds reportable under EPCRA section 313 under the zinc compounds category. The petitioner contends that

zinc oxide is not the type of compound that should be reported under EPCRA section 313 because zinc compounds are "Generally Recognized as Safe by the Food and Drug Administration as: a dietary supplement (21 CFR 182.5991); a nutrient (21 CFR 182.5991); and a resinous/polymeric coating (21 CFR 175.300)." The petitioner adds that "zinc oxide has been used for decades as a skin ointment—e.g., for diaper rash—and protectant. * * *"

III. EPA's Technical Review of Zinc Oxide

The technical review of the petition to delete zinc oxide from the zinc compounds category focused on the available ecological and environmental fate data. Based on a review of these data, EPA has made the determination that there is sufficient evidence to reasonably anticipate that zinc ion may cause environmental toxicity and that zinc ion can become available in the environment from zinc oxide. The principal concern regarding zinc oxide is its toxicity to aquatic species and its ability to bioaccumulate. Several mechanisms have been identified by which zinc ion can become available in the environment from zinc oxide. For example, zinc ion may become available in the environment from zinc oxide via dissolution in aqueous solutions.

A. Chemistry

Pure zinc oxide (ZnO) is typically a white or yellow-white amorphous powder. Crystalline zinc oxide has a hexagonal crystal structure. Zinc oxide has a reported melting point in the range of 1970 °C to 1975 °C. Zinc oxide is produced by oxidizing zinc vapors in burners. The source of the zinc vapor is either impure zinc oxide or purified zinc metal. Zinc vapor generated from purified zinc metal will provide the highest purity zinc oxide (Refs. 1-4).

An important conversion in the environment is the conversion of zinc oxide to zinc hydroxide. Zinc hydroxide also dissociates in the environment to yield zinc ion. Below 39 °C, zinc oxide reacts slowly with water to form zinc hydroxide (Zn(OH)₂). The rate of conversion of zinc oxide to zinc hydroxide is dependent on various factors, the most important of which is temperature. Above 39 °C, ZnO is the stable form.

The reported water solubility of zinc oxide ranges from 1.6 milligrams per liter (mg/L) (29 °C) to 5 mg/L (25 °C). The two most common forms of zinc hydroxide are the amorphous form and the ε-Zn(OH)₂ form. The reported water solubility of zinc hydroxide ranges from 2.92 mg/L (18 °C) to 15.5 mg/L (29 °C).

These variations in solubility data are most likely due to variations in the solubility tests with respect to the form of zinc used, oxide or hydroxide (the amorphous form of zinc hydroxide is more soluble), pH, temperature, and experimental variability. The solubilities of zinc oxide and zinc hydroxide are at a minimum at pH 9.3. At this pH, the solubility of zinc hydroxide is 0.0822 mg/L for the amorphous form and 0.0041 mg/L for the ε-Zn(OH)₂ form. Zinc oxide and hydroxide are insoluble in organic solvents, including alcohols and acetone (Refs. 3, 5-9).

Zinc oxide and hydroxide are amphoteric; they dissolve in acids to form salts and in alkalis to form zincates. Zinc oxide will dissolve in hydrochloric acid, for example, generating zinc chloride (ZnCl₂), a salt with appreciable water solubility (432 grams (g) ZnCl₂ dissolves in 100 g H₂O at 25 °C). Common zincates include [Zn(OH)₄]²⁻ and [Zn(OH)₃]⁻. Zinc oxide also dissolves in ammonia generating the tetraligated complex, [Zn(NH₃)₄]⁺². The conversion of zinc oxides to zinc salts is of importance because of the high solubility of many of the salts in water which would make the zinc ion available (Refs. 1, 2, 10, and 11).

Although zinc oxide may be poorly reactive under some conditions, it is reported that zinc oxide adsorbs carbon monoxide and carbon dioxide. Zinc oxide reacts with carbon dioxide in moist air generating zinc carbonates, in particular zinc oxycarbonate. The reported water solubility of zinc carbonate ranges from 0.01 grams per liter (g/L) (15 °C) to 0.7 g/L (18 °C) (Refs. 1 and 8).

Zinc oxide completely absorbs UV radiation below 366 nanometer (nm), and as a result, is used as a white pigment. A more common use for zinc oxide is as an accelerator, activator and stabilizer in rubber manufacture (Refs. 1 and 2).

B. Environmental Fate

The mechanisms that contribute most to the environmental fate of zinc oxide are dissolution, sorption, and precipitation, all of which are affected particularly by the pH of the media, but also by other factors including temperature. Unlike other zinc compounds (such as zinc sulfide), zinc oxide does not undergo significant microbial transformation.

1. *Water.* The solubility of zinc oxide at pH 7 and 29 °C is approximately 5 to 15 mg/L. Because zinc oxide is amphoteric, it is more soluble at pH values other than 7, particularly values less than 7. Above pH 7, zinc oxide and

zinc hydroxide will dissolve to form other zincates. These zinc compounds are also amphoteric; the availability of zinc ion from these compounds, therefore, is also dependent on their solubility and pH.

In water, zinc ion may associate or react with neutral or ionic compounds to form inorganic salts, stable organic complexes, or inorganic or organic colloids. The quantity of zinc ion available in water from each of these forms is dependent upon the solubility of these forms, pH, temperature, the total amount of the zinc form present in water, and the presence of other metal ions, organic compounds, and inorganic compounds.

Zinc ion will eventually adsorb to sediments. The extent to which this occurs is strongly dependent on pH, temperature, salinity, and the amount of zinc ion present. Below pH 5, minimal soil sorption is expected.

In wastewater treatment plants, zinc oxide is usually removed as a solid. Removal rates usually range up to 90 percent. Any solubilized zinc oxide will be released to surface water as zinc ion in solution with a counter anion in solution.

2. *Land.* The movement of zinc oxide in soils is strongly pH dependent. At pH 7, zinc ion will be available from zinc oxide in soils to the extent that the oxide is solubilized. If the pH falls below 7 in soils, leaching of zinc ion will increase due to the increased solubility of zinc oxide. Sorption of zinc ion to soils will be minimal at pH values less than 5. The sorption of zinc ion to soils, therefore, significantly decreases through a critical pH range of 7 to 5. Zinc ion not adsorbed to soils will eventually end up in the water column (Ref. 12).

3. *Air.* Zinc oxide may be present in the atmosphere in particulate form, originating primarily from dust from manufacturing and processing sites. Deposition of particulate zinc oxide by fallout or washout generally occurs in a short period of time in the vicinity of the emission source.

C. Toxicity Evaluation

EPA's review primarily addressed the environmental toxicity of zinc ion. There is sufficient evidence to indicate that zinc ion may cause environmental toxicity. Zinc ion can become available in the environment from zinc oxide through several mechanisms. Zinc ion can become available from dissolution of zinc oxide in aqueous solution, particularly at pH values between 5 and 7. Zinc ion can become available from the dissolution or reaction of zinc oxide to produce several products of varying

solubility, such as zinc hydroxide (generated from the hydrolysis of zinc oxide); zincates (generated from the dissolution of zinc oxide or zinc hydroxide in alkaline solution); zinc salts (including zinc chloride, generated from the dissolution of zinc oxide in a hydrochloric acid solution); and zinc carbonates (generated from the reaction of zinc oxide with carbon monoxide or carbon dioxide in moist conditions).

Based on the availability of zinc ion, zinc oxide may cause adverse environmental effects. In terms of health effects, it should be noted that the predominant concern of most literature available on the toxicology of zinc ion deals with the effects of zinc ion deficit rather than excess. Zinc is classified as an essential nutrient. The National Academy of Science recommends a dietary allowance of 0.21 mg elemental zinc per kilogram per day (kg/day). Zinc is also an essential nutrient to aquatic and terrestrial organisms; it is involved in the synthesis of nucleic acids and enzymes.

Environmental effects (Refs. 13 and 14). By whatever route available, zinc ion exhibits high toxicity to aquatic organisms. This conclusion is based on a substantial amount of information available for zinc ion which includes acute toxicity values lower than 100 parts per billion (ppb), and bioconcentration values higher than 1,000. Numerous studies indicate that zinc ion also has a high chronic toxicity.

a. *Aquatic toxicity.* The available evidence indicates that zinc ion is highly toxic to aquatic organisms and has a high potential to bioaccumulate.

In natural waters, zinc ion occurs in both suspended and dissolved forms. It can exist as a simple hydrated ion; as various inorganic salts; in stable organic complexes; or adsorbed into or occluded in, inorganic or organic colloids. The quantity of zinc ion available from each of these forms is dependent upon pH, temperature, and the total amount of the zinc form present in water, and the presence of other metal ions or organic and inorganic compounds. Zinc is eventually partitioned into sediments. Zinc ion bioavailability from sediments is enhanced under conditions of high dissolved oxygen, low salinity, low pH, and high levels of humic substances. Zinc ion remaining in sediments may be toxic to or bioaccumulate in sediment organisms.

The levels of acute toxicity for zinc ion to various fish and invertebrates range from 40 ppb to 58,100 ppb. This wide range is partially due to the hardness of the water used in the studies; generally as water hardness increases the acute toxicity of zinc ion

decreases. The 96-hour LC₅₀ (median lethal concentration) for rainbow trout in a flow-through system was 93 ppb. The 96-hour LC₅₀ for cutthroat trout was 90 ppb. The 48-hour LC₅₀ value for a daphnid species was 40 ppb. Acute toxicity EC₅₀ values of 40 and 100 ppb were noted in daphnids.

Numerous other acute tests have been conducted on estuarine and marine invertebrates and fish. EC₅₀ values of 310 ppb and 166 ppb were calculated by testing oysters and hard shelled clams, respectively. EC₅₀ values for a copepod, mysid shrimp, lobster, and hermit crab were 210 ppb, 498 ppb, 175 ppb, and 400 ppb, respectively. Estuarine and marine fish were less sensitive to zinc ion than invertebrates. The LC₅₀ values ranged from 2,730 ppb for larvae of Atlantic silversides to 83,000 ppb for larvae of mummichog.

Zinc ion exhibits high chronic toxicity in the aquatic environment. The maximum acceptable toxicant concentration (MATC) in soft water was 36 to 71 ppb for rainbow trout fry (hatching from unexposed eggs). The MATC for fathead minnows, based on spawning and hatching success and fry survival, in hard water (200 mg/L as CaCO₃) was 30 to 180 ppb. The MATC for this fish in soft water was 78 to 145 ppb.

In invertebrates (*Daphnia magna*), reproduction was impaired by 10 percent after a 21-day exposure to 70 ppb zinc ion. Cell growth was inhibited in algae (*Selenastrum capricornutum*) after exposure for 7 days at a concentration of 30 ppb, and the EC₉₅ for growth after exposure for 14 days was 68 ppb.

Marine algae are very sensitive to zinc. Growth was inhibited in kelp (*Laminaria hyperborea*) at 100 ppb and in algae (*Skeletonema costatum*) at 50 ppb. Cell numbers decreased in three species of marine algae, *Gymnodinium splendens*, *Schroederella schroederi*, and *Thalassiosira rotula*, at 100 ppb, 50 ppb, and 100 ppb, respectively.

b. *Bioaccumulation.* Zinc ion can reasonably be anticipated to bioaccumulate in aquatic organisms. Bioconcentration factors (BCFs) of 1,130 and 432 were noted in mayflies and flagfish, respectively. BCFs for marine algae (*Cladophora* and *Fucus serratus*) and oysters were noted to be 4,680, 16,600, and 16,700, respectively.

D. Technical Summary

The technical review of the petition to delete zinc oxide from the zinc compounds category focused on the ecological and environmental fate data. Based on a review of these data, EPA has made the determination that there is

sufficient evidence to reasonably anticipate that zinc ion may cause environmental toxicity and that zinc ion can become available in the environment from zinc oxide. The principle concern regarding zinc oxide is its toxicity to aquatic species and its ability to bioaccumulate. Several mechanisms have been identified by which zinc ion can become available in the environment from zinc oxide (see Unit III.A. and B. of this preamble). Zinc ion may become available in the environment from zinc oxide via dissolution in aqueous solutions particularly between the pH range of 5 and 7.

IV. Rationale for Denial

EPA is denying the petition submitted by the American Zinc Association to delete zinc oxide from the reporting requirements under the zinc compounds category of the EPCRA section 313 list of toxic chemicals. This denial is based on: (1) The Agency's conclusion that zinc ion can become available from zinc oxide, and (2) the determination that there is sufficient evidence to indicate that zinc ion causes aquatic toxicity. Several mechanisms have been identified where zinc ion can become available in the environment from zinc oxide, particularly dissolution in aqueous solutions.

Additionally, zinc oxide and zinc hydroxide may dissolve in acids or alkalis to form salts or zincates, respectively. Many zinc salts are particularly water soluble, allowing another pathway by which zinc ion may become available. Due to these mechanisms, which may result in the availability of zinc ion from zinc oxide, zinc oxide contributes to the overall loading of zinc ion to the environment.

EPA has determined that zinc ion can reasonably be anticipated to cause a significant adverse effect on the environment of a sufficient seriousness to warrant continued reporting of zinc oxide under EPCRA section 313 because of zinc ion's high toxicity to aquatic organisms and its tendency to bioaccumulate in the environment.

Concern regarding these effects are in accordance with the criteria in EPCRA section 313(d)(2)(C). Because zinc oxide can reasonably be anticipated to be highly ecotoxic and induce well-established serious adverse effects, EPA does not believe that an exposure assessment is necessary to make the determination required by EPCRA section 313(d)(2)(C).

In reference to the petitioner's contention that zinc oxide should not be included on the EPCRA section 313 list because zinc compounds are "Generally

Recognized as Safe by the Food and Drug Administration," EPA is not persuaded that this is a sufficient basis for removing zinc oxide from the list. While EPA agrees that zinc is classified as an essential nutrient and, in terms of human health effects, the predominant concern cited in most of the available literature deals with the effects of zinc ion deficit rather than excess, this is not the whole picture. EPA, in making its listing decisions under section 313 of EPCRA, considers a different set of issues than those addressed by FDA in its regulatory decisions. Specifically, EPA considers the potential for adverse impacts on the environment, as well as those on human health. As indicated by the regulatory citations provided by the petitioner in support of its contention, FDA's focus is on human health effects. In the particular case of zinc oxide, EPA's decision to deny the petition to delist is based on the environmental impacts of the chemical.

V. References

- (1) Lloyd, T.B., *Zinc Compounds*. In: Kirk-Othmer Encyclopedia of Chemical Technology, 3rd ed., Vol. 24, pp. 851863, New York (1984).
- (2) Merck and Co., *The Merck Index*, 11th ed., p. 1599 (1989).
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- (4) Dean, J.A., ed., *Lange's Handbook of Chemistry*, 13th ed., McGraw-Hill, pp. 4-131, New York (1985).
- (5) ATSDR, *Toxicological profile for zinc*. US Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, p. 109 (1994).
- (6) Aylett, B.J., Group IIB. In: *Comprehensive Inorganic Chemistry*, Bailar, H.J., Jr., Emeleus, R.N., Trotman-Dickenson, A.F., eds., Pergamon Press, p. 217, Oxford (1973).
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- (8) Linke, W.F., *Solubilities of Inorganic and Metal-Organic Compounds*, D. Van Nostrand Co., Inc., Princeton (1958).
- (9) Pourbaix, M., *Atlas of Electrochemical Equilibria in Aqueous Solutions*, National Association of Corrosion Engineers, pp. 406-413, Houston (1974).
- (10) Cotton, F.A. and Wilkinson, G., *Advanced Inorganic Chemistry*, A Comprehensive Text, 2nd ed., John Wiley Sons, pp. 604-608, New York (1986).

(11) Pauling, L., *General Chemistry*, 3rd ed., Freeman and Company, San Francisco (1970).

(12) Bodek, I., *Environmental Inorganic Chemistry, Properties, Processes, and Estimation Methods*, Pergamon Press, pp. 7.15/1-7.15/11, New York (1988).

(13) USEPA/OPPT, Smrchek, Jerry C., *Petition to Delist Zinc Sulfide-Hazard Review* dated March 28, 1990.

(14) USEPA/OPPT, Meyn, Ossi, *Petition to Delist Zinc Oxide* dated June 21, 1995.

VI. Administrative Record

The record supporting this decision is contained in docket number OPPTS-400098. All documents, including an index of the docket, are available to the public in the TSCA Nonconfidential Information Center (NCIC), also known as the Public Docket Office, from noon to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA NCIC is located at EPA Headquarters, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

List of Subjects in 40 CFR Part 372

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

Dated: September 1, 1995.

Lynn R. Goldman,

Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 95-22618 Filed 9-11-95; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-53; RM-8613]

Radio Broadcasting Services; Eugene, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: The Commission denies the request of Conway Broadcasting to allot Channel 265A to Eugene, Oregon, as the community's fifth local FM service. See 60 FR 11644, March 2, 1995. The Commission found that Channel 265A cannot be allotted to the community in compliance with the Commission's technical requirements. With this action, this proceeding is terminated.

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