Also, the commentor expressed a concern regarding the Federal Register notice not listing detailed or specific information on how the Administrator reached a decision. There is no requirement to provide in the public notice detailed or specific information regarding how the Regional Administrator reached her decision. As required by 40 CFR Part 271.21(b), the Federal Register notice did include a summary of New Mexico's program revisions and indicated that EPA intended to approve the State's program revision (See 60 FR 53708 and 53709). The notice also provided that ''Copies of the New Mexico program revision application and the materials which EPA used in evaluating the revision are available for inspection and copying from 8:30 a.m. to 4 p.m., Monday through Friday at the New Mexico Environment Department and EPA'' (See 60 FR 53709).

Comment: The Work Share Agreement between EPA and the State materially impacts the State's ability to meet the statutory requirements necessary to qualify for authorization.

Response: In the spirit of authorization, the State and EPA have agreed to a Work Share Plan to enhance the State's hazardous waste program to ensure that it will be consistent with, equivalent to, and as stringent as the federal requirements. The EPA headquarters encourages the use of Work Share Plan to assist the States. The Work Share Plan is a agreement between EPA Region 6 and the State providing for EPA to give technical assistance to the New Mexico Environment Department's (NMED) hazardous waste management program revision in the review of certain corrective action documents. The Work Share Plan specifically acknowledges that the State is the regulatory authority for the correction action program and EPA will not be making final determinations, thus there is no sharing of regulatory responsibilities in the authorized program. There should be no ambiguity in how EPA and the State function as regulators because the State will make all regulator determinations for those areas that they are authorized for. The continued involvement of EPA at selected facilities should ensure consistency between the State and EPA programs.

Decision

The EPA has reevaluated its decision to approve this final authorization for the State's hazardous waste program and all documentation, including the authorization application and several EPA mid-year and end of year evaluation reports on New Mexico. Additionally, EPA also considered the New Mexico HSWA capability assessment. The EPA hereby affirms its decision to approve this final authorization.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of New Mexico's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. This authorization does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This Final Determination is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: December 14, 1995.

Linda Carroll,

Acting Regional Administrator.

[FR Doc. 96–1208 Filed 1–25–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 300

[FRL–5403–5]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Deletion of the Anderson Development Company Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Anderson Development Company site in Michigan from the National Priorities List (NPL). The NPL is Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Michigan have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further response by responsible parties is appropriate. Moreover, EPA and the State of Michigan have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: January 26, 1996.

FOR FURTHER INFORMATION CONTACT: Rita Garner-Davis at (312) 886–2440, Associate Remedial Project Manager, Office of Superfund, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: Adrian Public Library, 143 East Maumee, Adrian Michigan 49221, Contact: Jule Foebender, Phone No. (517) 263–2265; and Adrian City Hall, 100 East Church Street, Adrian, MI. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The point of contact for the Regional Docket Office is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Anderson Development Company Site located in Adrian, Michigan. A Notice of Intent to Delete was published August 30, 1995 (60 FR 13944) for this site. The closing date for comments on the Notice of Intent to Delete was September 29, 1995. EPA received no comments and therefore a Responsiveness Summary was not prepared.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the

unlikely event that conditions at the site warrant such action. 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

Air pollution control, Chemicals, Hazardous substances, Hazardous Waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); 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 removing the entry for ''Anderson Development Co.'' at Adrian, Michigan.''

Dated: October 18, 1996.

Michelle Jordan,

Acting Regional Administrator, U.S. EPA, Region V.

[FR Doc. 96–1398 Filed 1–25–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21 and 94

[FCC 95–500]

Fixed Point-to-Point Microwave Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this Order portion of the Notice of Proposed Rule Making and Order, the Commission generally holds in abeyance and will not process pending applications for frequency assignments in the 38.6–40.0 GHz (39 GHz) band that are mutually exclusive with other applications or that were still within the 60-day period for filing mutually exclusive applications as of November 13, 1995. Further, the Commission holds in abeyance and will not process modification applications for 39 GHz licenses filed on or after November 13, 1995, unless the application meets certain requirements as discussed in the summary below. The Commission takes this action to stop processing mutually exclusive or potentially mutually exclusive applications under outdated licensing rules in anticipation of the adoption of new licensing rules.

EFFECTIVE DATE: December 15, 1995.

FOR FURTHER INFORMATION CONTACT: Tom Mooring, Office of Engineering and Technology, (202) 418–2450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, adopted and released December 15, 1995. The complete *Notice of Proposed Rule Making 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 Commission's duplication contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington D.C. 20037.

Summary of Order

1. In the companion Notice of Proposed Rule Making (''Notice'') in this proceeding, the Commission proposed to amend the licensing and technical rules for fixed point-to-point microwave operations in the 39 GHz band. On November 13, 1995, pursuant to delegated authority, the Wireless Telecommunications Bureau (Bureau) ordered that no additional applications for 39 GHz frequency assignments would be accepted for filing as of the date of the Bureau's order pending the outcome of this proceeding.[1] The Bureau observed that over 2,100 applications for 39 GHz licenses had been filed since January 1995, and noted that the increasing number of applications filed pursuant to the existing rules was a burden on Commission resources and could inhibit the Commission's ability to update the regulatory structure of this service in light of today's marketplace conditions. The Bureau also stated that the freeze does not apply to applications for assignment or transfer of control of license. Likewise, the Commission stresses that the interim policy described below will not apply to assignment or transfer of control applications, which will continue to be processed under existing procedures.

2. With respect to previously filed 39 GHz applications now pending before the Commission, the Commission took the following action. Pending applications will be processed if (1) they were not mutually exclusive with other applications at the time of the Bureau's *Order*, and (2) the 60-day period for filing mutually exclusive applications expired prior to November 13, 1995. The Commission concluded that processing pending applications against which no competing application has been timely filed will not impede the goals of this proceeding and can be accomplished without significant burden on Commission resources. The Commission also proposed to apply to all licenses granted under this procedure the same revised construction threshold and grandfathering requirements that it proposed to apply to incumbent 39 GHz licensees who received license grants prior to this Notice.

3. With respect to all other pending applications (i.e., those that were subject to mutual exclusivity or still within the 60-day period as of November 13), the Commission concluded that processing and disposition should be held in abeyance during the pendency of this proceeding.[2] First, resolving mutually exclusive applications requires greater expenditure of Commission resources than processing uncontested applications. Second, the Commission is concerned that attempting to award licenses in mutually exclusive situations under its current rules could lead to results that are inconsistent with the objectives of this proceeding. Therefore, the Commission will not process these applications (or any amendments thereto filed on or after November 13, 1995) at this time, but intends to determine whether to process or return them, as appropriate, at the conclusion of this proceeding. The Commission solicits comment on how these applications that will be held in abeyance should later be treated if new licensing and service rules are ultimately adopted in this proceeding.

4. Also in regard to pending applications for 39 GHz licenses, amendments received on or after November 13, 1995 will be held in abeyance during the pendency of this proceeding. The Commission will similarly hold in abeyance those applications for modification of existing 39 GHz licenses filed on or after November 13, 1995, or modification

[1] *Order*, RM–8553, DA 95–2341, released November 13, 1995.

[2] Whenever the 60-day ''cut-off'' date for an application occurs on or after the processing ''freeze'' date of November 13, 1995, we will hold the application in abeyance. This will assure fairness to potential applicants who were precluded by the freeze from filing competing applications in time to be entitled to comparative consideration. Accordingly, all 39 GHz applications placed on public notice on or after September 14, 1995, will be treated for purposes of interim processing as if they were mutually exclusive. See 47 C.F.R. §§ 21.27, 21.31(b).