ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN39–2–6702; FRL–5102–4]

Clean Air Act Approval and Promulgation of Employee Commute Options Program; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule; removal.

SUMMARY: On August 18, 1994, (59 FR 42506) the United States Environmental Protection Agency (USEPA) approved a revision to the Indiana State Implementation Plan (SIP) for the Employee Commute Options (ECO) program without prior proposal. The rule approved an ECO program for the severe ozone nonattainment area that includes Lake and Porter Counties. The USEPA is removing this final rule due to the adverse comments received on this rule. In a subsequent final rule, USEPA will summarize and respond to the comments received and announce final rulemaking action on this requested Indiana SIP revision on ECO.

EFFECTIVE DATE: November 7, 1994.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illionois 60604.

FOR FURTHER INFORMATION CONTACT: Jessica Radolf, Environmental Scientist, Regulation Development Section, Regulation Development Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886–3198.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: October 19, 1994.

David A. Ullrich,

Acting Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart P—Indiana

2. Section 52.770 is amended by removing paragraph (c)(92).

[FR Doc. 94–27449; Filed 11–4–94; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 271

[FRL–5102–6]

Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Louisiana has applied for Final Authorization for revisions to its hazardous waste program under the Resource Conservation and Recovery Act. The Environmental Protection Agency (EPA) reviewed Louisiana's application and decided that its hazardous waste program revision satisfies all of the requirements necessary to qualify for Final Authorization. Unless adverse written comments are received during the review and comment period provided for public participation in this process, EPA intends to approve Louisiana's hazardous waste program revision subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984. Louisiana's application for the program revision is available for public review and comment.

DATES: This Final Authorization for Louisiana shall be effective on January 23, 1995 unless EPA publishes a prior Federal Register (FR) action withdrawing this Immediate Final Rule. All comments on Louisiana's program revision application must be received by the close of business December 22, 1994.

ADDRESSES: Copies of the Louisiana 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 following addresses: Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810, phone (504) 765–0617 and EPA, Region 6 Library, 12th Floor, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 65202, phone (214) 665–6444. Written comments, referring to Docket Number LA–95–1, should be sent to Dick Thomas, Region 6 Authorization Coordinator, Grants and Authorization Section (6H–HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665–8528.

FOR FURTHER INFORMATION CONTACT: Dick Thomas, Region 6 Authorization Coordinator, Grants and Authorization Section (6H–HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665–8528.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA or the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 124, 260 through 268, and 270.

B. Louisiana

Louisiana initially received Final Authorization, effective February 7, 1985 (see 50 FR 3348), to implement its base hazardous waste management program. Louisiana received authorization for revisions to its program effective January 29, 1990 (see 54 FR 48889), and October 25, 1991 (see 56 FR 41958, and Corrections at 56 FR 51762). On September 22, 1994, Louisiana submitted a final complete program revision application for additional program approvals. Today, Louisiana is seeking approval of its program revision in accordance with § 271.21(b)(3).

In 1983, the Louisiana Legislature adopted Act 97, which amended and reenacted Louisiana Revised Statutes 30:1051 et seq., the Environmental Affairs Act. This Act created the Louisiana Department of Environmental Quality (LDEQ), which has lead agency jurisdictional authority for administering the RCRA Subtitle C program in the State.

EPA reviewed LDEQ's application, and made an immediate final decision that LDEQ's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final Authorization. Consequently, EPA intends to grant Final Authorization for

the additional program modifications to the State. The public may submit written comments on EPA's final decision until December 22, 1994. Copies of LDEQ's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of LDEQ's program revision shall become effective 75 days from the date this notice is published, unless an adverse written comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse written comment is received, EPA will publish either: (1) A withdrawal of the immediate final decision; or (2) a notice containing a response to the comment that either affirms that the immediate final decision takes effect or reverses the decision.

Louisiana's program revision application includes State regulatory changes that are at least equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 124, 260–262, 264, 265, 266 and 270, that were published in the **Federal Register** through June 30, 1987. This proposed approval includes the provisions that are listed in the chart below. This chart also lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements.

Federal citation	State analog
1. Dioxin Waste Listing and Management Standards, [50 FR 1978] January 14, 1985. (Checklist 14).	Louisiana Revised Statutes (LRS) 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; Louisiana Hazardous Waste Regulations (LHWR) §109- Empty Container.1–2, as amended October 20, 1994, effective October 20, 1994; LHWR §4901.A.2; Chapter 49, Appendix A, Table 10; §4901.B, Table 1; §4901.F; Chapter 49, Appendix A, Table 8; §4901 Appendix C; §4901.G, Table 6; §2317.A&B; §2723.A&B; §2917.A&B; §2523.A&B; §3105, Table 1; §3111.A.1; §4301.G; §4522.A&B; and §4534.A&B, all amended September 20, 1994, effective September 20, 1994; LHWR §2111.C&D; §525.J; §527.J; §531.H; and §533.J, all amended March 20, 1990, effective March 20, 1990; LHWR §517.I, and §523.G, both amended November 20, 1992, effective November 20, 1992.
2. HSWA Codification Rule; Small Quantity Generators [50 FR 28702] July 15, 1985. (Checklist 17A).	The changes addressed by this Checklist were superseded by RCRA Revision Checklist 23. LDEQ made the changes required by Checklist 23 rather than those addressed by this Checklist. LHWR do not recognize EPA's category of Conditionally Exempt Small Quantity Generators. Instead, all Small Quantity Generators (SQGs) in Louisiana are subject to the State's SQG regulations and most LHWR applicable to Generators other than SQGs. This makes the State's SQG regulations More Stringent than EPA's.
3. HSWA Codification Rule; Delisting [50 FR 28702] July 15, 1985. (Checklists 17B and 17B.1).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §105.M.1–5, as amended September 20, 1994, effective September 20, 1994.
4. HSWA Codification Rule; Household Waste (Resource Recovery Facilities), [50 FR 28702] July, 15, 1985. (Checklist 17C).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR, §105.D.10, as amended September 20, 1994, effective September 20, 1994.
5. HSWA Codification Rule; Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves, [50 FR 28702] July 15, 1985. (Checklist 17E).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §4322, as amended March 20, 1990, effective March 20, 1990; LHWR 1503.B.7, as amended November 20, 1992, effective November 20, 1992.
6. HSWA Codification Rule; Liquids in Landfills I, [50 FR 28702] July 15, 1985 (Checklist 17F).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §533.H, as amended March 20, 1990, effective March 20, 1990; LHWR §4507, as amended March 20, 1984, effective March 20, 1984; LHWR §2515; §2515.A&B; §2515.E; and §2515.E.1–2, all amended September 20, 1994, effective September 20, 1994.
7. HSWA Codification Rule; Dust Suppression, [50 FR 28702] July 15, 1985. (Checklist 17G).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §4139.B.3&4, as amended September 20, 1994, effective September 20, 1994.
8. HSWA Codification Rule; Double Liners, [50 FR 28702] July 15, 1985. (Checklist 17H).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §4476, as amended March 20, 1990, effective March 20, 1990; LHWR §2903.A, and I-K; §4462.A-E; §2503.A, C-G, and K-M; §4512.A-E, all amended September 20, 1994, effective September 20, 2994.
9. HSWA Codification Rule; Ground-Water Monitoring, [50 FR 28702] July 15, 1985. (Checklist 17I).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §2521.C; §2911.E; §2905; §2305; and §3301.C, all amended September 20, 1994, effective September 20, 1994; LHWR §2505; §2507.C.3; §2907.C.4; and §2911.B.3, all amended March 20, 1984, effective March 20, 1984; and LHWR §2309.B.2, and §2521.B.3, both amended July 20, 1984, effective July 20, 1984.
10. HSWA Codification Rule; Cement Kilns, [50 FR 28702] July 15, 1985. (Checklist 17J).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §4141.F.1–3 and §4141.D.1–6, all amended December 20, 1992, effective December 20, 1992; and LHWR §4105.C and 4901.D, both amended September 20, 1994, effective September 20, 1994.
11. HSWA Codification Rule: Fuel Labeling, [50 FR 28702] July 15, 1985. (Checklist 17K).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §4141.F.1–3 and §4141.D.1–6, all amended December 20, 1992, effective December 20, 1992; and LHWR §4105.C and 4901.D, both amended September 20, 1994, effective September 20, 1994.
12. HSWA Codification Rule; Corrective Action, [50 FR 28702] July 15, 1985. (Checklist 17L).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §3301.A and §3322.A&B, both amended September 20, 1994, effective September 20, 1994; and LHWR §305.D.1.b and §305.D.2.h, both amended October 20, 1994, effective October 20, 1994.
13. HSWA Codification Rule; Pre-Construction Ban, [50 FR 27802] July 15, 1985. (Checklist 17M).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §303.H.1, as amended July 20, 1991, effective July 20, 1991; LHWR §303.H.3, as amended September 20, 1994, effective September 20, 1994.
14. HSWA Codification Rule; Permit Life, [50 FR 28702] July 15, 1985. (Checklist 17N).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §315, as amended September 20, 1994, effective September 20, 1994; and LHWR §323.B.2.d, as amended October 20, 1994, effective October 20, 1994.

Federal citation	State analog
15. HSWA Codification Rule; Omnibus Provision, [50 FR 28702] July 15, 1985. (Checklist 17O).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §311.E, as amended September 20, 1994, effective September 20, 1994.
16. Interim Status, [50 FR 28702] July 15, 1985. (Checklist 17P).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §501.C.2, as amended March 20, 1990, effective March 20, 1990; LHWR §501.A; §503; §4305.A.1&2; 4305.B-D, all amended October 20, 1994, effective October 20, 1994; LHWR §501.C.2, as amended March 20, 1991, effective March 20, 1991; and LHWR §4301.A-F; §309.J.2; §501.C.1., all amended September 20, 1994, effective September 20, 1994.
17. HSWA Codification Rule; Research and Development Permits, [50 FR 28702] July 15, 1985. (Checklist 17Q).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §329; §303.A.1, both amended September 20, 1994, effective September 20, 1994.
18. HSWA Codification Rule; Exposure Information, [50 FR 28702] July 15, 1985. (Checklist 17S).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §303.M and §303.P, both amended September 20, 1994, effective September 20, 1994.
19. Listing of TDI, TDA, and DNT Wastes, [50 FR 42936] October 23, 1985. (Checklist 18).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §4901.C; §4901.F; Chapter 49, Appendix A, Tables 8–10; §4901.G, Table 6; and §3105, Table 1, all amended September 20, 1994, effective September 20, 1994.
20. Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces, [50 FR 49164] November 29, 1985, and [52 FR 11819], as amended on April 13, 1987. (Checklists 19 and 19.1).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §109, as amended October 20, 1994, effective October 20, 1994; LHWR §105.D.33.b; §4105.C.5; §4105.B.3, and 10–14; §3105.A.2; 4513.B; §4147.A-E, all amended September 20, 1994, effective September 20, 1994; and LHWR §4141.A-F, effective December 20, 1992, effective December 20, 1992.
21. Listing of Spent Solvents, [50 FR 53315] December 31, 1985, and [51 FR 2702] as amended on January 21, 1986. (Checklists 20 and 20.1).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §4901.B, Table 1, as amended September 20, 1994, effective September 20, 1994.
22. Listing of EDB Waste, [51 FR 5327] February 13, 1986. (Checklist 21).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR Chapter 49, Appendix A, Tables 8–10; §4901.C, Table 2; §4901.G, Table 6, all amended September 20, 1994, effective September 20, 1994.
23. Listing of Four Spent Solvents, [51 FR 6537] February 25, 1986. (Checklist 22).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §4901.B, Table 1; §4901.F, Table 4; §4901.G, Table 6; Chapter 49, Appendix A, Tables 8–10; and §3105, Table 1, all amended September 20, 1994, effective September 20, 1994.
24. Generator of 100 to 1000 kg Hazardous Waste, [51 FR 10146] March 24, 1986. (Checklist 23).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR, §105; §4901.F, Table 4; §303.E.1, all amended September 20, 1994, effective September 20, 1994; LHWR §109–Small Quantity Generator; §1109.E.1; §1109.E.7–9; §1307.I; §305.C.2, all amended October 20, 1994, effective October 20, 1994; and Louisiana Notification of Hazardous Waste Activity Form HW–1. LHWR do not recognize EPA's category of Conditionally Exempt Small Quantity Generators. Instead, all Small Quantity Generators (SQGs) in Louisiana are subject to the State's SQG regulations and most LHWR applicable to Generators other than SQGs. This makes the State's SQG regulations More Stringent than EPA's.
25. Codification Rule, Technical Correction (Paint Filter Test), [51 FR 19176] May 28, 1986. (Checklist 25).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §533.H, as amended March 20, 1990, effective March 20, 1990; LHWR §450Z, as amended March 20, 1984, effective March 20, 1984; LHWR §2515; §2515.A&B; §2515.E; and §2515.E.1–2, all amended September 20, 1994, effective September 20, 1994.
26. Biennial Report; Correction [51 FR 28556] August 8, 1986. (Checklist 30).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §4361, as amended March 20, 1984, effective March 20, 1984; LHWR §1529.D.7, and 9–10, all amended September 20, 1994, effective September 20, 1994; Louisiana Notification of Hazardous Waste Activity Form HW–1.
27. Standards for Generators; Waste Minimization Certifications, [51 FR 25190] October 24, 1986. (Checklist 32).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; Louisiana Notification of Hazardous Waste Activity Form HW–1.
28. Listing of EBDC, [51 FR 37725] October 24, 1986. (Checklist 33).	LRS 30: §2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §4901.C; Chapter 49, Appendix A, Tables 8–10; §4901.G, Table 6, all amended September 20, 1994, effective September 20, 1994.

Louisiana is not authorized to operate the Federal program on Indian lands. This authority remains with EPA.

C. Decision

I conclude that LDEQ's application for a program revision meets the statutory and regulatory requirements established by RCRA. Accordingly, LDEQ is granted Final Authorization to operate its hazardous waste program as revised. Louisiana now has responsibility for permitting treatment, storage, and disposal facilities within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Louisiana also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

D. Codification in Part 272

EPA uses 40 CFR part 272 for codification of the decision to authorize LDEQ's program and for incorporation by reference of those provisions of its Statutes and regulations that EPA will enforce under sections 3008, 3013, and 7003 of RCRA. Therefore, EPA is reserving amendment of 40 CFR part 272, subpart L until a later date.

Compliance with Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 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 Louisiana'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

Environmental Protection, 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 notice is issued under the authority of Sections 2002(a),.3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: October 27, 1994.

Allyn M. Davis,

Acting Regional Administrator.

[FR Doc. 94–27544 Filed 11–4–94; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7098

[AZ–930–1430–01; AZA–28652]

Partial Revocation of Presidential Proclamation of March 21, 1917; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes the Presidential Proclamation of March 21, 1917, insofar as it affects 375.74 acres of public land withdrawn for classification purposes. The withdrawal is no longer needed, and the revocation is needed to permit disposal of the land. This action will open the land to surface entry and nonmetalliferous mining, unless closed by overlapping withdrawals or temporary segregations of record. The land has been and will remain open to metalliferous mining and mineral leasing.

EFFECTIVE DATE: December 7, 1994.

FOR FURTHER INFORMATION CONTACT: John Mezes, BLM Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011, 602–650–0509.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988) as amended, it is ordered as follows:

1. The Presidential Proclamation of March 21, 1917, which withdrew land for classification purposes, is hereby revoked insofar as it affects the following described land:

Gila and Salt River Meridian

T. 1 N., R. 15 E.,
Sec. 31, lots 1 to 4, inclusive, N½NE¼, and E½W½.

The area described contains 375.74 acres in Gila County.

2. At 10 a.m. on December 7, 1994, the land will be opened to settlement, location, sale, or entry under the public land laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 7, 1994, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on December 7, 1994, the land will be opened to location and entry under the United States nonmetalliferous mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: October 21, 1994.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 94–27422; Filed 11–4–94; 8:45 am]

BILLING CODE 4310–32–P

43 CFR Public Land Order 7099

[ID–943–1430–01; IDI–15685 01]

Partial Revocation of Geological Survey Order Dated May 19, 1950; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Geological Survey order insofar as it affects 74.98 acres of public land withdrawn for the Bureau of Land Management's Powersite Classification No. 408. The land is no longer needed for this purpose, and the revocation is needed to permit disposal of the land through exchange. This action will open the land to surface entry. The land has been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: December 7, 1994.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706–2500, 208–384–3166.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Geological Survey Order dated May 19, 1950, which withdrew public land for the Bureau of Land Management's Powersite Classification No. 408, is hereby revoked insofar as it affects the following described land:

Boise Meridian

T. 55 N., R. 2 E.,
Sec. 13, NE¼NE¼.
T. 56 N., R. 2 E.,
Sec. 29, lot 13.

The area described contains 74.98 acres in Bonner County.

2. At 9 a.m. on December 7, 1994, the land described above will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on December 7, 1994, shall be considered as simultaneously filed at that time.

Dated: October 21, 1994.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 94–27423; Filed 11–4–94; 8:45 am]

BILLING CODE 4310–GG–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15, 24

[GEN Docket No. 90–314, RM–7140, RM–7175, RM–7618; FCC 94–265]

New Personal Communications Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; order on reconsideration.

SUMMARY: By this action the Commission addressed ten petitions for reconsideration that seek revisions to various service rules governing broadband Personal Communications Services (PCS). The changes adopted are limited to revisions in the cross-ownership restrictions, that will serve to expand participation in the broadband PCS spectrum auction scheduled to commence December 5, 1994, and to revisions of technical rules governing PCS radio signal transmission. The expanded auction participation will serve to increase the number of potential PCS licensees, while the latter, technical changes will enhance the flexibility of equipment manufacturers in designing products that comply with Commission regulations, and so reduce the ultimate cost of service to PCS consumers.

EFFECTIVE DATE: Amendments to 47 CFR 24.204, are November 7, 1994. Other amendments adopted in this order shall be effective December 7, 1994.

FOR FURTHER INFORMATION CONTACT: Stanley P. Wiggins, Common Carrier Bureau at (202) 418–1322.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Third Memorandum Opinion and Order in GEN Docket No. 90–314, RM–7140, RM–7175, RM–7618, adopted October 19, 1994, and released October 19, 1994. By this action the Commission addresses ten petitions for reconsideration of Amendment of the Commission's Rules to Establish New Personal Communications Services, *Memorandum Opinion and Order*, 59 Fed. Reg. 32820 (June 24, 1994), *erratum*, GEN Docket No. 90–314, Mimeo No. 44006 (released July 22, 1994) (hereinafter jointly "*Broadband PCS Reconsideration*"). The petitions were filed by: the Association of Maximum Service Television *et al*; the Association of Independent Designated Entities (AIDE); Cellsat, Inc.; the Cellular Telecommunications Industry Association; Comcast Corporation; Omnipoint Corporation; the Personal Communications Industry Association; Point Communications Company; Puerto Rico Telephone Company; Spatial Communications, Inc. and ArrayComm, Inc. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC 20554. The full text of this decision also may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street NW., Washington, DC 20037.

Summary of Order

By this order, the Commission amends in minor respects its broadband Personal Communications Services ("PCS") regulatory structure to better achieve the four primary goals of this proceeding: competitive delivery, a diverse array of services, rapid deployment, and wide-area coverage. The Commission takes this action in response to ten petitions for reconsideration or clarification of policies and rules adopted in the *Broadband PCS Reconsideration* order. The Commission denies those petitions in major part because they principally raise issues the Commission has considered at length in previous orders in this Docket.

By this action, the Commission modifies existing rules in only limited respects. First, the Commission permits entities with non-controlling, attributable cellular interests to bid on "in-market" 30 MHz PCS licenses, conditioned on post-auction compliance with existing cellular/PCS cross-ownership rules within 90 days of PCS license grant. Second, the Commission clarifies the requirements for isochronous devices operating in the 1920–1930 MHz sub-band. Third, the Commission clarifies its rule governing broadband PCS emission limits. Fourth, the Commission makes certain housekeeping amendments to the Table of Frequency Allocations.

In denying the reconsideration petitions in principal part, the Commission: (1) Affirms existing license eligibility and ownership attribution rules in principal part; (2) denies without prejudice a proposal to require PCS licenses to share the costs of relocating microwave licensees from the 1850–1990 MHz PCS Band; (3) declines to change PCS service area definitions; (4) affirms an existing rule that divides Puerto Rico into two Basic Trading Areas for licensing purposes; (5) declines a request to interpret the meaning of correspondence between AIDE and Rand McNally Corporation regarding the latter's agreement to license the terms Metropolitan Trading Area and Basic Trading Area; (6) determines that the question whether to impose Open Network Architecture regulation on PCS licensees is outside the scope of this proceeding; (7) denies requests to modify the emission mask for licensed PCS bands and to make other changes to technical PCS rules; (8) determines that it is unnecessary to impose special technical requirements on PCS licensees in Block C in order to prevent their operations from interfering with adjacent Broadcast Auxiliary Service licensees; and (9) defers to a pending Mobile Satellite Service (MSS) proceeding the question whether to establish a secondary allocation of MSS in PCS Blocks F and C (1970–1990 MHz).

Ordering Clauses

Accordingly, it is ordered, that the petitions for reconsideration addressed in this order *are granted* to the extent described above, and *Denied* in all other respects.

It is further ordered, the Parts 2, 15, and 24 of the Commission's Rules *are amended* as specified below, effective 30 days after publication in the **Federal Register**, except that amendments to 47 CFR 24.204 as specified below *shall be effective* immediately upon publication in the **Federal Register**. This action is taken pursuant to Sections 4(i), 7(a), 302, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157(a), 302, 303(c), 303(f), 303(g), and 303(r).

List of Subjects

47 CFR Part 2

Frequency allocation and radio treaty matters; General rules and regulations, Radio.

47 CFR Part 15

Communications equipment, Radio, Radio frequency devices.

47 CFR Part 24

Communication common carriers, Personal communications services, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary

Final Rules

47 CFR Parts 2, 15, and 24 are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for Part 2 continues to read as follows:

Authority: Sec. 4, 302, 303, and 307 of this Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303 and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

a. In the 1850–1990 MHz band, revise columns 4 through 7;

b. In the 2110–2200 MHz band, revise columns 4 through 7 to read as follows:

§ 2.106 Table of Frequency Allocations

* * * * * * *

International table			United States table		FCC use designators	
Region 1-allocation MHz	Region 2-allocation MHz	Region 3-allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
			1850–1990	1850–1990 FIXED MOBILE	PERSONAL COMMUNICATIONS SERVICES (24). PRIVATE OPERATIONAL-FIXED MICROWAVE (94). RADIO FREQUENCY DEVICES (15)	
			US331	US331.		
			*	*	*	*
			2110–2200	2110–2150 FIXED MOBILE	DOMESTIC PUBLIC FIXED (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (94).. PUBLIC MOBILE (22)	EMERGING TECHNOLOGIES.
				US111 US252 NG 23 NG153		
				2150–2160 FIXED	MULTI-POINT DISTRIBUTION (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (94)	
				2160–2200 FIXED MOBILE	DOMESTIC PUBLIC FIXED (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (94). PUBLIC MOBILE (22)	EMERGING TECHNOLOGIES.
			US111 US252	NG 23 NG153.		

PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for Part 15 continues to read as follows:

Authority: Secs. 4, 302, 303, 304, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303, 304, and 307.

2. Section 15.323 is amended by revising paragraphs (c)(1), (c)(5), and (e) to read as follows:

§ 15.323 Specific requirements for isochronous devices operating in the 1920–1930 MHz sub-band.

* * * * *

(c) * * *

(1) Immediately prior to initiating transmission, devices must monitor the combined time and spectrum windows in which they intend to transmit for a period of at least 10 milliseconds for systems designed to use a 10 milliseconds or shorter frame period or at least 20 milliseconds for systems designed to use a 20 milliseconds frame period.

* * * * *

(5) If access to spectrum is not available as determined by the above, and a minimum of 40 duplex system access channels are defined for the system, the time and spectrum windows with the lowest power level below a monitoring threshold of 50 dB above the thermal noise power determined for the emission bandwidth may be accessed. A device utilizing the provisions of this paragraph must have monitored all access channels defined for its system

within the last 10 seconds and must verify, within the 20 milliseconds (40 milliseconds for devices designed to use a 20 milliseconds frame period) immediately preceding actual channel access that the detected power of the selected time and spectrum windows is no higher than the previously detected value. The power measurement resolution for this comparsion must be accurate to within 6 dB. No device or group of cooperating devices located within 1 meter of each other shall occupy more than three 1.25 MHz channels during any frame period. Devices in an operational state that are utilizing the provisions of this section are not required to use the search provisions of paragraph (b) of this section.

* * * * *

(e) The frame period (a set of consecutive time slots in which the position of each time slot can be identified by reference to a synchronizing source) of an intentional radiator operating in these sub-bands shall be 20 milliseconds or 20 milliseconds/X where X is a positive whole number. Each device that implements time division for the purposes of maintaining a duplex connection on a given frequency carrier shall maintain a frame repetition rate with a frequency stability of at least 50 parts per million (ppm). Each device which further divides access in time in order to support multiple communication links on a given frequency carrier shall maintain a frame repetition rate with a frequency stability of at least 10 ppm. The jitter (time-related, abrupt, spurious variations in the duration of the frame interval) introduced at the two ends of such a communication link shall not exceed 25 microseconds for any two consecutive transmissions. Transmissions shall be continuous in every time and spectrum window during the frame period defined for the device.

* * * * *

PART 24—PERSONAL COMMUNICATIONS SERVICES

1. The authority citation for Part 24 continues to read as follows:

Authority: 47 U.S.C. Sections 154, 301, 302, 303, and 332, unless otherwise noted.

2. Section 24.204 is amended by revising the introductory text of paragraph (f), and by adding a new sentence at the end of paragraph (f)(3)(i), to read as follows:

§ 24.204 Cellular eligibility.

* * * * *

(f) *Cellular Divestiture.* Parties holding controlling or attributable ownership interests in cellular licenses may be a party to a broadband PCS application (i.e., have a controlling or attributable interest in a broadband PCS applicant), and such PCS applicant will be eligible for more than one 10 MHz broadband PCS license and/or MHz PCS license(s) pursuant to the divestiture procedures set forth in paragraphs (f) (1) through (3) of this section; Provided, however, that these divestiture procedures shall be available only to: parties with controlling or attributable ownership interests in cellular licenses where the CGSA(s) covers 20 percent or less of the PCS service area population; and parties with non-controlling attributable interests in cellular licenses, regardless of the degree to which the CGSA(s) covers the PCS service area population. For purposes of this paragraph, a "non-controlling attributable interest" is one in which the holder has less than a fifty (50) percent voting interest and there is an unaffiliated single holder of a fifty (50) percent or greater voting interest.

* * * * *

(3) * * *

(i) * * * The trustee must divest the property within six months from grant of license.

* * * * *

3. Section 24.238 is revised to read as follows:

§ 24.238 Emission limits.

(a) On any frequency outside a licensee's frequency block, the power of any emission shall be attenuated below the transmitter power (P) by at least 43 + 10 log (P) dB.

(b) Compliance with these provisions is based on the use of measurement instrumentation employing a resolution bandwidth of 1 MHz or greater. However, in the 1 MHz bands immediately outside and adjacent to the frequency block a resolution bandwidth of at least one percent of the emission bandwidth of the fundamental emission of the transmitter may be employed. The emission bandwidth is defined as the width of the signal between two points, one below the carrier center frequency and one above the carrier center frequency, outside of which all emissions are attenuated at least 26 dB below the transmitter power.

(c) When measuring the emission limits, the nominal carrier frequency shall be adjusted as close to the licensee's frequency block edges, both upper and lower, as the design permits.

(d) The measurements of emission power can be expressed in peak or average values, provided they are expressed in the same parameters as the transmitter power.

(e) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in this section.

[FR Doc. 94–27558 Filed 11–4–94; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 93–321; RM–8409]

Radio Broadcasting Services; Ocean Isle Beach, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final regulation document which was published Wednesday, October 12, 1994 (59 FR 51518).

EFFECTIVE DATE: November 7, 1994.

FOR FURTHER INFORMATION CONTACT: Barbara Chappelle, Publications Branch, (202) 418–0310.

SUPPLEMENTARY INFORMATION:

Need for Correction

As published, the final regulation document contains an error in calculating the close window filing date and is in need of clarification.

Correction of Publication

Accordingly, the publication on October 12, 1994 of the final regulations, which were the subject of FR Doc. 94–25088 is corrected as follows:

On page 51518, in the third column, in the **DATES** section, the close-window period for filing applications should be "December 23, 1994" in lieu of "December 7, 1994".

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 94–27380 Filed 11–4–94; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 94–22; RM–8438]

Radio Broadcasting Services; Jackson, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.