

today's **Federal Register**, we are publishing a direct final Notice of Deletion of Norwood PCBs Superfund Site without prior Notice of Intent to Delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final Notice of Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this deletion action, we will not take further action on this Notice of Intent to Delete. If we receive adverse comment(s), we will withdraw the direct final Notice of Deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Deletion based on this Notice of Intent to Delete. We will not institute a second comment period on this Notice of Intent to Delete. Any parties interested in commenting must do so at this time.

For additional information, see the direct final Notice of Deletion which is located in the Rules section of this **Federal Register**.

#### List of Subjects in 40 CFR Part 300

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

**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.

Dated: March 17, 2011.

**Ira W. Leighton,**

*Acting Regional Administrator, EPA Region 1.*

[FR Doc. 2011–7776 Filed 3–31–11; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[GEN Docket No. 86–285; FCC 11–27]

#### Amendment of the Schedule of Application Fees

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, the Commission seeks comments to clarify the rules on the payment of filing fees by winning bidders in auctions of construction permits in the broadcast

services in conjunction with their long-form applications.

**DATES:** Comments are due April 18, 2011, and reply comments are due May 2, 2011.

**ADDRESSES:** You may submit comments, identified by GEN Docket No. 86–285, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Federal Communications Commission's Web Site:* <http://www.fcc.gov/cgb/ecfs>. Follow the instructions for submitting comments.

- *E-mail:* [ecfs@fcc.gov](mailto:ecfs@fcc.gov). Include GEN Docket No. 86–285 in the subject line of the message.

- *Mail:* Commercial overnight mail (other than U.S. Postal Service Express Mail, and Priority Mail, must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Roland Helvajian, Office of Managing Director at (202) 418–0444.

#### SUPPLEMENTARY INFORMATION:

1. By this Notice of Proposed Rulemaking, adopted on February 28, 2011 and released on March 3, 2011, we seek to clarify the rules on the payment of filing fees by winning bidders in auctions of construction permits in the broadcast services in conjunction with their long-form applications. In the *Broadcast Competitive Bidding First Report and Order*, the Commission required the filing of application fees in such cases, and section 1.1104, the Schedule of Charges for Media Bureau Service filings, requires the payment of a fee when the long-form application is filed.<sup>1</sup> However, section 1.2107(c) of the rules provides with regard to the filing of long-form applications by winning bidders in auctions that, “Notwithstanding any other provision in Title 47 of the Code of Federal Regulations to the contrary, high bidders need not submit an additional application filing fee with their long-form applications.”<sup>2</sup> To resolve any

<sup>1</sup> Implementation of Section 309(j) of the Communications Act—Competitive Bidding Procedures for Commercial Broadcast and Instructional Television Fixed Television Service Licenses, MM Docket No. 97–234, *First Report and Order*, 13 FCC Rcd 15920, 15984–85 para. 164 (1998) (*Broadcast Competitive Bidding First Report and Order*).

<sup>2</sup> 47 CFR 1.2107(c). The Commission adopted section 1.2107(c) before the Balanced Budget Act of 1997 extended the Commission's competitive bidding authority under Section 309(j) of the Communications Act of 1934 to mutually exclusive applications for construction permits or licenses in

inconsistency and to conform Section 1.2107(c) to the Commission's determination in the *Broadcast Competitive Bidding First Report and Order* as reflected in section 1.1104, we propose to amend section 1.2107(c) by revising the cited sentence to read as follows: “Except as otherwise provided in section 1.1104 of the rules, high bidders need not submit an additional application fee with their long-form applications.” We seek comment on this proposal.

#### Procedural Matters

2. *Regulatory Flexibility Act.* The rule change proposed in the *Notice of Proposed Rulemaking* will not have a significant economic impact on a substantial number of small entities or impose significant costs on parties to Commission proceedings.

3. *Comment Filing Procedures.* Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments in the *Notice of Proposed Rulemaking* 15 days after publication in the **Federal Register**, and reply comments 15 days after the comment deadline. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- *Electronic Filers.* Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments.

- ECFS filers must transmit one electronic copy of the comments for Gen. Docket No. 86–285. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail.

- *Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail due to security measures). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

broadcast services. See Balanced Budget Act of 1997, Public Law 105–33, Title III, 111 Stat. 251 (1997).

- All hand-delivered and/or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 Twelfth St., SW., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 Twelfth Street, SW., Washington, DC 20554.

4. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 Twelfth Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). Documents in GEN Docket No. 86-285 will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

5. *Ex Parte Presentations.* The *Notice of Proposed Rulemaking* shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules, 47 CFR 1.1200 *et seq.* Requirements pertaining to oral and written presentations are set forth in Section 1.1206(b) of the Commission's rules.

6. *Accessible Formats.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0432 (tty).

#### Ordering Clauses

7. Accordingly, *it is ordered*, that, pursuant to sections 1, 4(i), 4(j), and 8 of the Communications Act of 1934, as amended, 47 U.S.C. sections 151, 154(i), 154(j), and 158, this Notice of Proposed Rulemaking is *hereby adopted*.

8. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.

#### List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 1 as follows:

#### PART 1—PRACTICE AND PROCEDURE

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

**Authority:** 15 U.S.C. 79 *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 303(r), and 309, unless otherwise noted.

2. Amend § 1.2107 by revising paragraph (c) to read as follows:

#### § 1.2107. Submission of down payment and filing of long-form applications.

\* \* \* \* \*

(c) A high bidder that meets its down payment obligations in a timely manner must, within ten (10) business days after being notified that it is a high bidder, submit an additional application (the "long-form application") pursuant to the rules governing the service in which the applicant is the high bidder. Except as otherwise provided in § 1.1104, high bidders need not submit an additional application filing fee with their long-form applications.

\* \* \* \* \*

[FR Doc. 2011-7475 Filed 3-31-11; 8:45 am]

**BILLING CODE 6712-01-P**

#### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R4-ES-2010-0084; [MO 92210-0-0008-B2]

#### Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the Spring Pygmy Sunfish as Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of petition finding and initiation of status review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce a 90-day finding on a petition to list the spring pygmy sunfish (*Elassoma alabamae*) as endangered under the Endangered Species Act of 1973, as amended (Act). Based on our review, we find that the petition and information currently

available in our files presents substantial scientific or commercial information indicating that listing this species may be warranted. Therefore, with the publication of this notice, we are initiating a review of the status of the species to determine if the petitioned action is warranted. To ensure this status review is comprehensive, we are requesting scientific and commercial data and other information regarding this species. Based on the status review, we will issue a 12-month finding on the petition, which will address whether the petitioned action is warranted, as provided in section 4(b)(3)(B) of the Act.

**DATES:** To allow us adequate time to conduct this review, we request that we receive information on or before May 31, 2011. Please note that if you are using the Federal eRulemaking Portal (*see ADDRESSES* section, below), the deadline for submitting an electronic comment is 11:59 p.m. Eastern Time on this date. After May 31, 2011, you must submit information directly to the Field Office (*see FOR FURTHER INFORMATION CONTACT* section below). Please note that we might not be able to address or incorporate information that we receive after the above requested date.

**ADDRESSES:** You may submit information by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. In the box that reads "Enter Keyword or ID," enter the Docket number for this finding, which is FWS-R4-ES-2010-0084. Check the box that reads "Open for Comment/ Submission," and then click the Search button. You should then see an icon that reads "Submit a Comment." Please ensure that you have found the correct document before submitting your comment.

- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS-R4-ES-2010-0084; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all information we receive on the Internet at <http://www.regulations.gov>.

This generally means that we will post any personal information you provide us (*see the Request for Information section below for more details*).

**FOR FURTHER INFORMATION CONTACT:** Stephen Ricks, Field Supervisor, Mississippi Ecological Services Field Office, 6578 Dogwood View Parkway, Jackson, MS 39213; by telephone (601-321-1122); or by facsimile (601-965-4340). If you use a telecommunications