

**40 CFR Part 70**

[AD-FRL-5404-5]

**Clean Air Act Proposed Interim Approval of Operating Permits Program; Maryland; Extension of the Comment Period****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule; extension of the comment period.

**SUMMARY:** EPA reopened the comment period for a notice published on October 30, 1995 (60 FR 55231). In the October 30 notice, EPA proposed an interim approval of the operating permits program submitted by Maryland because the program substantially, but not fully, met the requirements of Part 70.

At the request of the SIERRA CLUB—Maryland Chapter, Maryland Public Interest Research Group, and the American Lung Association of Maryland, EPA reopened the comment period through December 29, 1995. All comments received on or before December 29 were entered into the public record and will be considered by EPA before taking final action on the proposed rule.

**DATES:** Comments were to have been received on or before December 29, 1995.

**ADDRESSES:** Comments were to have been mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

**FOR FURTHER INFORMATION CONTACT:** Enid A. Gerena, U.S. EPA Region III, (215) 597-8239.

Dated: December 8, 1995.

Stanley Laskowski,

*Acting Regional Administrator, Region III.*

[FR Doc. 96-1403 Filed 1-25-96; 8:45 am]

**BILLING CODE 6560-50-P**

**40 CFR Part 136**

[FRL-5404-7]

**Guidelines Establishing Test Procedures for the Analysis of Pollutants; New Methods; Reopening of Comment Period****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The U. S. Environmental Protection Agency (EPA) is reopening

the comment period for the proposed guidelines establishing new analytical methods for use under the Clean Water Act, which were published in the Federal Register on October 18, 1995 (60 FR 53988). The public comment period for the proposed rule was to end on December 18, 1995.

**DATES:** Comments on the proposed guidelines will be accepted until April 2, 1996.

**ADDRESSES:** Comments should be submitted by mail to the 304(h) Docket Clerk (Ben Honaker), Water Docket (MC-4101), U.S. EPA, 401 M. Street SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Longbottom, Aquatic Research Division, National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268. Telephone number: (513) 569-7308.

**SUPPLEMENTARY INFORMATION:** The methods proposed for addition on October 18, 1995, (60 FR 53988) include new methods for: preparation of samples for metals analysis, inductively coupled plasma/mass spectrometry (ICP/MS), a stabilized temperature graphite furnace atomic absorption (STGFAA) method for metals, and ion chromatography (IC) methods for anions and hexavalent chromium [Cr(VI)]. A revised EPA inductively coupled plasma atomic emission spectrometry (ICP-AES) method for metals to replace the currently approved method, and an extension of the approved method for the determination of low level total residual chlorine were also proposed. The specific methods included in the rulemaking are as follows: EPA Methods 180.1, 200.7, 200.8, 200.9, 218.6, 300.0, 611, and 625; SMEWW, Method 4500-CL E; and Standard Methods Method 6410B.

All written comments submitted in accordance with the instructions in the Notice of Proposed Rulemaking and received by April 2, 1996, including those received between the close of the comment period on December 18, 1995, and the publication of this notice will be entered into the public record and considered by EPA before promulgation of the final rule.

Dated: January 23, 1996.

Robert Perciasepe,

*Assistant Administrator, Office of Water.*

[FR Doc. 96-1404 Filed 1-25-96; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Parts 1, 2, 21, and 94**

[FCC 95-500]

**Fixed Point-to-Point Microwave Service****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** By the Notice of Proposed Rule Making (NPRM) portion of this *NPRM and Order*, the Commission proposes to provide a channeling plan and licensing and technical rules for fixed point-to-point microwave operations in the 37.0-38.6 GHz (37 GHz) band and proposes to amend the licensing and technical rules for fixed point-to-point microwave operations in the 38.6-40.0 GHz (39 GHz) band. This action would make available additional channels in the 37 GHz band and would ensure more efficient use of the 39 GHz band in the future. The objectives of this proposal are to provide adequate point-to-point microwave spectrum, including channels for the support of broadband personal communications services (PCS) and other services, and to provide for technical commonality across the bands.

**DATES:** Comments must be submitted on or before February 12, 1996 and reply comments must be submitted on or before February 27, 1996. Written comments by the public on the proposed and/or modified information collections are due February 12, 1996. (The comment and reply dates originally were set for January 16, 1996 and January 31, 1996, respectively. However, the Commission's Office of Engineering and Technology, under delegated authority, extended the comment and reply period due to the exigency caused by the closing of the government; see *Order Extending Time*, DA 96-15, released January 16, 1996.)

Written comments must be submitted by OMB on the proposed and/or modified information collections on or before March 26, 1996.

**ADDRESSES:** Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street NW., Washington, DC 20554, or via the Internet to [dconway@fcc.gov](mailto:dconway@fcc.gov), and to Timothy Fain, OMB Desk Officer, 10236

NEOB, 725 17th Street NW., Washington, DC 20503 or via the Internet to [fain\\_\\_t@al.eop.gov](mailto:fain__t@al.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Tom Mooring, Office of Engineering and Technology, 202-418-2450. For additional information concerning the information collections contained in this NPRM contact Dorothy Conway at 202-418-0217, or via the Internet at [dconway@fcc.gov](mailto:dconway@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's NPRM, adopted and released on December 15, 1995. The complete NPRM and Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

#### Paperwork Reduction Act

This NPRM contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13. Public and agency comments are due at the same time as other comments on this NPRM; OMB comments are due 60 days from date of publication of this NPRM in the Federal Register. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

*OMB Approval Number:* N/A.

*Title:* Proposed rule 21.711(b).

*Form No.:* N/A.

*Type of Review:* New collection.

*Respondents:* Businesses or other for-profit.

*Number of Respondents:* 300.

*Estimated Time Per Response:* 40 hours.

*Total Annual Burden:* 12,000 hours.

*Needs and Uses:* Rule requires that respondents certify that they have constructed a minimum number of

installed and operating microwave links no later than 18 months from adoption of the Report and Order in this docket. If the Commission does not require this certification then it would not know whether the spectrum is being used effectively.

*OMB Approval Number:* N/A.

*Title:* Proposed rule 21.711(b)(2).

*Form No.:* N/A.

*Type of Review:* New collection.

*Respondents:* Businesses or other for-profit.

*Number of Respondents:* 200.

*Estimated Time Per Response:* 80 hours.

*Total Annual Burden:* 16,000 hours.

*Needs and Uses:* Rule requires that respondents not meeting the construction threshold file a list of permanently installed or operating microwave links that they wish to have grandfathered no later than 18 months from adoption of the Report and Order in this docket. If the Commission does not require this filing then it would not be able to protect these incumbent operations from possible harmful interference caused by new systems.

*OMB Approval Number:* N/A.

*Title:* Proposed rule 21.711(a)(4).

*Form No.:* N/A.

*Type of Review:* New collection.

*Respondents:* Businesses or other for-profit.

*Number of Respondents:* 500.

*Estimated Time Per Response:* 256 hours.

*Total Annual Burden:* 128,000 hours.

*Needs and Uses:* Rule requires that respondents maintain a computer-readable database. This data would be used to facilitate coordination with Government links that share the 37 GHz band with non-Government licensees.

*OMB Approval Number:* 3060-0064 and 3060-0402.

*Title:* Application for a station authorization in the Private Operational Fixed Microwave Radio Service; Application for a new or modified microwave radio station license under Part 21.

*Form No.:* FCC 402 and FCC 494.

*Type of Review:* New collection.

*Respondents:* Businesses or other for-profit.

*Number of Respondents:* 100.

*Estimated Time Per Response:* 2 hours.

*Total Annual Burden:* 200 hours.

*Needs and Uses:* Forms are used by applicants to apply to provide either a common carrier service (FCC 494) or to use the spectrum for private purposes (FCC 402). If the Commission did not require that applicants file one these two forms then it would not know how to regulate the licensees.

#### Summary of MO&O

1. By this action, the Commission proposes to provide a channeling plan and licensing and technical rules for fixed point-to-point microwave operations in the 37 GHz band. Adoption of this proposal would make the band available for point-to-point microwave operations that would provide communications infrastructure such as "backhaul" and "backbone" communications links for services including broadband PCS, cellular radio, and other commercial and private mobile radio operations. The Commission observes that such infrastructure could also facilitate the development of competitive wireless local telephone service. Further, the Commission proposes a channeling plan based on fourteen paired 50 megahertz channel blocks (with a 700 megahertz separation between transmit and receive channel blocks) and four unpaired 50 megahertz channel blocks, to allow licensees to subdivide their channel blocks as they choose, service areas based on Basic Trading Areas (BTAs), licensing by competitive bidding if mutually exclusive applications are filed, and a minimal number of technical rules designed to limit interference. Proposed technical rules include specifications as to frequency tolerance, bandwidth, transmitter power, directional antenna standards, digital modulation, and field strength limitation at service area boundaries. The term of licenses in the 37 GHz band is proposed to be 10 years and comment is sought on the appropriate buildout requirement.

2. With regard to sharing the 37 GHz band between Government fixed and non-Government point-to-point operations, the Commission proposes to share the band on a first-come, first-served basis as follows. Commission licensees would be required to protect incumbent operations when they build out their system. Any new Government fixed operations would be coordinated on a link-by-link basis with the affected Commission licensees through the existing Government/non-Government coordination process. In order for the Commission to process a coordination request, non-Government licensees would be required to maintain a computer-readable database with the coordinates of their sites, frequencies (occupied bandwidth) assigned to their sites, EIRP, and other needed information for all of their links.

3. In addition, comment is requested on whether the 37 GHz band or a portion of it should be made available for a wider array of fixed services, such

as point-to-multipoint systems; whether there is a requirement for mobile operations in the 37 GHz band and, if so, whether such operations should be on a co-primary or secondary basis to the point-to-point operations; and whether the Commission has overestimated demand and, thus whether a portion of the band should be held in reserve for future services. If the permissible use of the 37 GHz and 39 GHz bands (see para. 6, below) is broadened to include other fixed and/or mobile uses, the Commission would not anticipate separately licensing such uses but rather would include them within the uses permitted under our proposed BTA licenses. In response to a request from the National Telecommunications and Information Administration (NTIA), the Commission solicits comment on additionally allocating the 37–38 GHz band to the space research (space-to-Earth) service.

4. If competitive bidding is not adopted for the 37 GHz band, comment is solicited alternatively on licensing the 37 GHz band in the same manner as the 39 GHz band is currently licensed with the following modifications. Service areas would be based on BTAs. Eligibility for Channel Blocks 15 through 20 would be limited to broadband PCS licensees until three months after the last broadband PCS license is issued. Eligibility for Channel Blocks 21 through 28 would be limited to broadband PCS, cellular, and wide-area SMR licensees for three years, commencing with the effective date of the rules adopted in this proceeding. After the expiration of these restrictions, eligibility would be open to all parties. Eligibility for unpaired Channel Blocks 29 through 32 would be unrestricted. Further, the Commission proposes to require that applicants demonstrate a need for each channel requested, that applicants initially be limited to one channel per designated service area, that all licensees, except broadband PCS licensees, construct their system within 18 months and that such construction be defined as the ability to pass communications traffic significantly throughout the service area, and that license transfers of unbuilt systems be prohibited. Additionally, each licensee would be permitted to apply for an additional channel in its service area only when it is operating its previously authorized channel(s) at or near expected capacity. Comment is solicited on whether licensees should be required at some time in the future to provide the Commission with a report of their operations so that a second licensing opportunity could be provided for parties interested in those portions of

licensed service areas that are unused. Comment is specifically requested on what criteria should be applied in determining whether a licensed service area is underused to the point that other applicants should be permitted to propose service in that area. If an additional party is allowed to obtain a license in an existing licensee's BTA, the Commission proposes to require them to coordinate informally on a link-to-link basis.

5. The Commission also proposes to amend the licensing and technical rules for fixed point-to-point microwave operations in the 39 GHz band. Specifically, the Commission proposes that the unlicensed areas be licensed using BTA service areas and that auctions be employed should mutually exclusive applications be filed. In order to accommodate incumbent operations, the Commission proposes that licensees of rectangular service areas be given eighteen months from the adoption of a Report and Order in this proceeding to file with the Commission a certification that they have constructed a minimum average of four permanently installed and operating links per hundred square kilometers (approximately one link per ten square miles) of their licensed service area for each licensed channel block. Further, licensees with more than one channel block must certify that each channel block contains at least four permanently installed and operating links per hundred square kilometers that cannot be reaccommodated in another channel block. If a licensee meets these threshold construction and filing requirements, then the licensee would retain its entire rectangular service area. However, if a licensee does not meet these requirements, then the license would be automatically canceled nineteen months from the adoption of a Report and Order in this proceeding. Further, licensees of rectangular service areas not meeting the above construction threshold must file a list of permanently installed and operating links that they wish to have grandfathered no later than eighteen months from the adoption of a Report and Order in this proceeding. The Commission would then relicense qualifying links individually. Failure to file timely a list of installed and operating links would result in automatic cancellation of the respective licenses. As an alternative to relicensing incumbent facilities on their current frequency, comment is solicited on whether incumbent links should be "repacked" into a portion of the band, e.g., most grandfathered links would be switched to one designated channel pair

provided that mutual interference would not result. The technical rules for the 39 GHz band would be modified to make them consistent with the technical rules that are proposed for the 37 GHz band. Licensees would be limited to six of the 28 paired channel blocks and to two of the four unpaired channel blocks in each BTA in the combined 37–40 GHz band.

6. The Commission notes that the lower portion of the 39 GHz band, 38.6–39.5 GHz, is allocated to the fixed, mobile, and fixed-satellite (space-to-Earth) services and that the upper portion of the 39 GHz band, 39.5–40 GHz, is allocated to these services and to the mobile-satellite (space-to-Earth) service. Comment is solicited on whether the proposed modifications for licensing the 39 GHz band would have any effect on the sharing of this band among these services. Further, comment is solicited on whether the Commission should provide for more flexible use of the 39 GHz band, including whether permissible uses should be broadened to include point-to-multipoint and/or mobile services in this band, perhaps under a broader service category such as GWCS or LMWS.

7. If competitive bidding is not adopted for the 39 GHz band, comment is solicited alternatively on whether to license the 39 GHz band under the current rules with certain modifications. Specifically, the Commission proposes to strengthen and codify the policy guidance given in the Commission's Common Carrier Bureau's *Public Notice*, Mimeo No. 44787, released September, 1994, so that all applicants for channels in the 39 GHz band would be required to make the following showings:

(i) *Consideration of non-radiofrequency (non-RF) solutions.* That the applicant has given detailed consideration to non-RF solutions for satisfying its communications requirements, including but not limited to fiber optic cable and wireline, and explaining why such alternatives are technically unacceptable, as opposed to merely less economically preferable.

(ii) *Clear and present need.* That the applicant has an immediate and real need for the proposed communications. Neither speculation, nor anticipated market development, nor a desire merely to hold a license will be sufficient in this regard. Each narrative must include an implementation schedule with six month benchmarks and will be required to demonstrate system construction and operation within the construction deadline imposed by § 21.43 of the Rules.

(iii) *Frequency and efficiency.*

Normally, only one channel block will be authorized per applicant per geographic area. New assignments will be licensed by BTAs. Current applicants must modify their applications accordingly. A future request for an additional channel block will be considered only if the applicant demonstrates that:

- An immediate requirement exists for simultaneous communications within the licensed service area;
- Frequency re-use is impossible as demonstrated by an engineering showing;
- All previously authorized channel blocks within the licensed service area are constructed, are operational, and are loaded to 100% capacity;
- All frequencies are loaded to a minimum equivalent digital efficiency of 1 bps/Hz;
- All transmitting equipment is operating with a frequency tolerance of 0.001%; and
- Only Category A antennas are employed.

(iv) *Full disclosure.* Applicants must fully disclose the real party (or parties) in interest, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning and/or controlling the applicant. In addition, licensees must construct their facilities and must be passing communications traffic on all of assigned channel blocks throughout their licensed service areas by the end of the eighteenth month since initial license grant. An extension to the 18 month period of construction will not generally be granted. If construction is not timely completed, the licensee's authority to construct additional links will be automatically cancelled and forfeited, and the licensee must notify the Commission as to which links have been constructed so that those links may be grandfathered.

8. For both the 37 GHz and 39 GHz bands, the Commission proposes the following procedure for establishing eligibility to bid at auction. The Commission proposes open eligibility and does not intend to require that applicants prove that they are financially qualified. Applicants must file a "short form," *i.e.*, FCC form 175, by a date specified in the applicable initial public notice. The short forms would be reviewed for compliance with the Commission's rules. Timely-filed applications would be classified as either accepted for filing or incomplete and this result would be announced by public notice. *Ex parte* rules would be waived as they apply to the submission

of amended short-form applications. Applicants would not be permitted to make any major modifications to their applications until after the auction. Applicants could modify their short-form applications to reflect the formation of consortia or changes in ownership at any time before or during the auction, provided such changes would not result in a change in control of the applicant, and provided that parties forming consortia or entering into ownership agreements have not applied for licenses in any of the same geographic license areas. Applications that are not signed would be dismissed as unacceptable. Incomplete applications must be resubmitted by the resubmission deadline to correct minor deficiencies. Late-filed applications would be dismissed without the opportunity to resubmit. If mutually exclusive applications are not filed for a license, then the Commission would by public notice cancel the auction for that license and establish a date for the filing of a "long-form application," *i.e.*, FCC Form 600. Applicants whose application for filing is ultimately approved will tender in advance to the Commission an upfront payment of \$2,500 or \$0.02 per pop per MHz, whichever is greater. Upfront payments generally will be due no later than 14 days before the scheduled auction.

9. The design of the auction process for both the 37 GHz and the 39 GHz bands is proposed to be simultaneous multiple round auctions. The minimum bid increments and stopping rules will be specified by public notice prior to the auction. The Milgrom-Wilson activity rule is tentatively proposed, but an alternative activity rule may be used instead and, if so, would be announced by public notice prior to the start of the auction. The duration of bidding rounds would either be announced by public notice prior to the auction or by announcement during the auction. A down payment of 20 percent must be submitted by a date to be specified by public notice, generally within 5 business days following the close of bidding. All auction winners generally would be required to make full payment of the balance of their winning bids with 5 business days following public notice that the license is ready for grant. Any bidder who withdraws a high bid during an auction before the Commission declares the bidding closed, or defaults by failing to remit the required down payment within the prescribed time, would be required to reimburse the U.S. Treasury in the amount of the difference between its high bid and the amount of the winning

bid the next time the license is offered by the Commission, if the subsequent winning bid is lower. After bidding closes, a defaulting auction winner would be assessed an additional payment of 3 percent of the subsequent winning bid or 3 percent of the amount of the defaulting bid, whichever is less. The Commission proposes to apply the transfer disclosure requirements contained in Section 1.2111(a).

10. The Commission proposes the following provisions for designated entities. A small business is defined as entities with less than \$40 million in average annual gross revenues for the preceding 3 years. Further, the same affiliation and attribution rules for calculating revenues that were adopted in the broadband PCS and GWCS proceedings are also proposed for this service. A 10 percent bidding credit for small businesses is proposed and the bidding credit can be applied to any and all of the 37 and 39 GHz licenses. Small business licensees may elect to pay their winning bid amount (less upfront payments) in installments over 10 years, with interest charges to be fixed at the time of licensing at a rate equal to the rate for ten year U.S. Treasury obligations plus 2.5 percent. Installment payments would be due on the anniversary of the day the license was granted. Timely payment of all installments would be a condition of the license grant and failure to make such timely payments would be grounds for revocation of the license. Small business licensees will be permitted to make interest-only installment payments during the first two years of the license. The down payment for small businesses is proposed to be 5 percent of the winning bid due five days after the auction and 5 percent due five days after the public notice that the license is ready for grant. Comment is sought on the appropriate transfer restrictions for small businesses and on the proposal not to adopt an entrepreneurs' block.

11. In addition, the Commission proposes that rural telephone companies be permitted to partition BTAs. Rural telephone companies are defined as local exchange carriers having 100,000 or fewer access lines, including all affiliates. Rural telephone companies would be permitted to acquire partitioned licenses in either of two ways: (1) they may form bidding consortia consisting entirely of rural telephone companies to participate in the auctions, and then partition the licenses won among consortia participants; and (2) they may acquire partitioned licenses from other licenses through private negotiation and agreement either before or after the

auction. The partitioned areas must conform to established geopolitical boundaries and each area must include all portions of the wireline service area of the rural telephone company applicant that lies within the service area.

12. The application processing rules contained in Parts 21 and 94 would be used for the 37 GHz service (as well as the 39 GHz service). Auction winners will be required to file a long form by a specific date, generally within 10 business days after the close of the auction. If the winning bidder intends to provide a common carrier service it would file FCC Form 494, and if it intends to provide a private use it would file FCC Form 402. After the Commission receives the winning bidder's down payment and the long-form application, the long-form application would be reviewed to determine if it is acceptable for filing. Upon acceptance for filing of FCC Form 494, a Public Notice announcing this fact would be released, triggering the filing window for petitions to deny. If the Commission denies all petitions to deny, and is otherwise satisfied that the applicant is qualified, a Public Notice announcing the grants will be issued. Winning bidders would have five business days after the issuance of the Public Notice to complete payment of their licenses. The Commission would then have ten business days to grant the licenses.

#### List of Subjects

##### 47 CFR Part 1

Administrative practice and procedure, Radio.

##### 47 CFR Part 2

Radio.

##### 47 CFR Part 21

Communications common carriers, Communications equipment, Radio.

##### 47 CFR Part 94

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 96-1247 Filed 1-25-96; 8:45 am]

BILLING CODE 6712-01-P

#### 47 CFR Part 73

[MM Docket No. 95-181, RM-8727]

#### Radio Broadcasting Services; Bagdad and Chino Valley, AZ

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by 21st Century Radio Ventures, Inc., permittee of Station KAKP(FM), Channel 280A, Bagdad, Arizona, requesting the substitution of Channel 280C3 for Channel 280A at Bagdad, the reallocation of Channel 280C3 to Chino Valley, Arizona, and modification of the authorization for Station KAKP(FM) to specify Chino Valley as its community of license, pursuant to the provisions of Section 1.420(g) and (i) of the Commission's Rules. Coordinates for Channel 280C3 at Chino Valley are 34-43-46 and 112-29-22. Chino Valley is located within 320 kilometers (199 miles) of the United States-Mexico border, and therefore, the Commission must obtain concurrence of the Mexican government to this proposal.

**DATES:** Comments must be filed on or before March 11, 1996, and reply comments on or before March 26, 1996.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: 21st Century Radio Ventures, Inc., Attn.: James L. Primm, President, 530 Wilshire Blvd., Suite 301, Santa Monica, CA 90401.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-181, adopted December 11, 1995, and released January 19, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission

consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 96-1423 Filed 1-25-96; 8:45 am]

BILLING CODE 6712-01-F

#### 47 CFR Part 73

[MM Docket No. 95-180, RM-8730]

#### Radio Broadcasting Services; Ingalls, KS

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Dana J. Puopolo requesting the allotment of Channel 242C1 to Ingalls, Kansas. Channel 242C1 can be allotted to Ingalls, Kansas, in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 242C1 at Ingalls are 37-49-48 and 100-27-06.

**DATES:** Comments must be filed on or before March 11, 1996, and reply comments on or before March 26, 1996.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dana J. Puopolo, 37 Martin Street, Rehoboth, Massachusetts 02769 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-180, adopted December 8, 1995, and released January 19, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-