

The action allows the State of Alaska's existing application for selection to attach, and classifies the land as suitable for conveyance of the land to the State, if such land is otherwise available. Any land described herein that is not conveyed to the State will continue to be subject to the terms and conditions of Public Land Order No. 5180, as amended, and any other withdrawal of record.

**EFFECTIVE DATE:** August 3, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Sue A. Wolf, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by Sections 17(c), 17(d)(1), and 22(h)(4) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(c), 1616(d)(1), and 1621(h)(4) (1988), and 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. Public Land Order No. 5150, as amended, which withdrew public lands as a utility and transportation corridor, is hereby modified to allow conveyance of the following described land to the State of Alaska:

**Fairbanks Meridian**

T. 15 S., R. 10 E. (Partly Surveyed),  
Sec. 1, 2, 3, 10, 11, and 12.

The area described contains approximately 3,840 acres.

2. Subject to valid existing rights, the land described above is hereby classified as suitable for conveyance to the State of Alaska under either the Alaska Statehood Act of July 7, 1958, 48 U.S.C. note prec. 21 (1988), or Section 906(b) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(b) (1988).

3. The State of Alaska application for selection made under Section 6(b) of the Alaska Statehood Act of July 7, 1958, and under Section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e) (1988), becomes effective without further action by the State upon publication of this public land order in the **Federal Register**, if such land is otherwise available. If not conveyed to the State, the land will continue to be subject to the terms and conditions of Public Land Order No. 5180, as amended, and any other withdrawal of record.

Dated: July 25, 1995.

**Bonnie R. Cohen,**

*Assistant Secretary of the Interior.*

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR PART 1**

[DA 95-1617]

**Interactive Video and Data Service (IVDS) Licenses—Clarification of “Grace Period” Rule for IVDS “Auction” Licensees Paying by Installment Payments**

**AGENCY:** Federal Communications Commission.

**ACTION:** Clarification.

**SUMMARY:** The staff of the Wireless Telecommunications Bureau of the Commission has clarified the “grace period” rule concerning installment payments for IVDS licenses won at auction.

**EFFECTIVE DATE:** June 26, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Joy Alford, Wireless Telecommunications Bureau, (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** The following is the full text of the *Public Notice*, DA 95-1617, which was released June 26, 1995. The text may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Released: June 26, 1995.

**Wireless Telecommunications Bureau Staff Clarifies “Grace Period” Rule for IVSD “Auction” Licensees Paying by Installment Payments**

Section 1.2110(e) of the Commission's auction rules, 47 CFR 1.2110(e), provides that in the event a licensee defaults on its installment payment obligation, the FCC may cancel the license. In the *Second Report and Order* in PP Docket No. 93-253, 9 FCC Rcd 2348, 2391 ¶ 240 (1994) 59 FR 22980, May 4, 1994, the Commission stated that it would “consider providing a three to six month grace period a delinquent payor's license cancels.” Recently, the Wireless Telecommunications Bureau staff clarified this payment rule in the context of Personal Communications Service (PCS) auctions. See FCC Public Notice, “Wireless Telecommunications Bureau Staff Responds to Questions About the Broadband PCS C Block Auction,” Mimeo 54270, released June 8, 1995. In response to inquiries, the staff now clarifies that this interpretation applies to Interactive Video and Data Service (IVDS) licensees as well. Interested parties should

understand that this advice and rule interpretation constitute informal staff opinion, not an official Commission decision or ruling.

IVDS licensees that elect to pay for their licenses in installments will have their licenses conditioned upon full and timely performance of all installment payment obligations. The Commission's rules provide that a licensee will be deemed in default on its installment payments if it is more than 90 days delinquent in making a payment to the government.

Any time prior to the expiration of the 90 days following the payment due date, a licensee may request a grace period. Generally, where a licensee submits a showing, supported by an affidavit, that it in bankruptcy, foreclosure or financial distress, there will be a presumption in favor of granting a three-month grace period (commencing ninety days after the missed payment date). Any request for a grace period based on financial distress must state with particularity the grounds for asserting such financial distress. Such grounds may include the existence of payment defaults on other third party debt, or the general inability to pay debts as they become due in the ordinary course of business. If no grace period is granted, then the FCC may declare a licensee in default and cancel the license any time after 90 days from the missed payment.

Where the Commission grants period and the default is not cured at the conclusion of such a grace period, the FCC may cancel the license. However, the FCC may in its discretion extend or grant additional grace periods where circumstances warrant.

In accordance with § 1.2110, the first IVDS installment payment was due June 30, 1995. IVDS licensees not making their first installment payment with the Commission by September 28, 1995, will be deemed to be in default. Requests for the additional three-month grace period should contain the detailed justification described above, and be sent to the following address: Federal Communications Commission, Wireless Telecommunications Bureau, Private Wireless Division, 2025 M Street NW., Room 8010, Washington, DC 20554, Attention: Stop Code 2000-F.

Wireless Telecommunications Bureau  
contact: Joy Alford at 418-0680.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

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