

serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 29, 1996.

Stephen L. Johnson,
Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR, chapter I, part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.430 by revising paragraph (b) to read as follows:

§ 180.430 Fenoxaprop-ethyl; tolerances for residues.

* * * * *

(b) Time-limited tolerances, to expire November 1, 1997, are established for the combined residues of the herbicide fenoxaprop-ethyl [(±) ethyl 2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoate] and its metabolites [2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoic acid and 6-chloro-2,3-dihydrobenzoxazol-2-one], each expressed as fenoxaprop-ethyl, in or on the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat	0.05
Cattle, meat	0.05
Cattle, mby	0.05
Goats, fat	0.05
Goats, meat	0.05
Goats, mby	0.05
Hogs, fat	0.05
Hogs, meat	0.05
Hogs, mby	0.05
Horses, fat	0.05
Horses, meat	0.05
Horses, mby	0.05
Milk	0.02
Sheep, fat	0.05
Sheep, meat	0.05
Sheep, mby	0.05
Wheat, grain	0.05
Wheat, straw	0.05

[FR Doc. 96-11338 Filed 5-09-96; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 22 and 90

[WT Docket No. 96-18; PP Docket No. 93-253; FCC 96-183]

Future Development of Paging Systems and Implementation of Section 309(j) of the Communications Act; Competitive Bidding

AGENCY: Federal Communications Commission.

ACTION: Interim measure; modification.

SUMMARY: In this *First Report and Order* in WT Docket No. 96-18 and PP Docket No. 93-253, the Commission modifies the interim measures imposed in the *Notice of Proposed Rulemaking (NPRM)* in this docket. In the *NPRM*, the Commission addressed how paging applications should be treated during the pendency of this rulemaking, and imposed an across-the-board freeze on new applications for paging licenses with an exception for Common Carrier Paging (CCP) and Private Carrier Paging (PCP) licenses with nationwide exclusivity. The Commission is modifying the interim freeze imposed in the *NPRM* by allowing all incumbent paging licensees subject to the interim freeze to apply for additional transmission sites on the same channel, on a primary basis, within 65 kilometers (40 miles) of an operating transmission site. An application must be accompanied by a certification that the applicant is an incumbent paging licensee, and the proposed site is within 65 kilometers (40 miles) of an authorized transmission site that was licensed to the same applicant on the

same channel on or before February 8, 1996 and which is operational as of the date the application for the additional transmitter site is filed. All applications filed by CCP incumbent licensees and 929 MHz PCP incumbent licensees on exclusive channels will be put on Public Notice to allow for competing applications to be filed.

The Commission resumes processing all pending non-mutually exclusive applications that were filed by incumbents with the Commission on or before February 8, 1996. The February 8, 1996 freeze interrupted the 30 or 60 day filing window in some cases. Therefore, the Wireless Telecommunications Bureau will release a Public Notice with attached copies of the prior Public Notices containing the pending paging applications. All pending applications filed by incumbents on or before February 8, 1996 that were not on Public Notice for the required 30 or 60 days, will be deemed to continue to be on Public Notice for the remaining amount of time until the required 30 or 60 day window for filing competing applications expires.

The Commission's objective in modifying the interim freeze is to allow the incumbent paging licensees the flexibility needed to expand paging systems to continue to serve their customers and convert to flexible wide-area synchronous protocol technology during the interim period, while preventing an increase in telecommunications investment fraud.

EFFECTIVE DATE: May 10, 1996.

FOR FURTHER INFORMATION CONTACT: Mika Savir, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0620.

SUPPLEMENTARY INFORMATION: This *First Report and Order* in WT Docket No. 96-18 and PP Docket No. 93-253, adopted April 22, 1996, and released April 23, 1996, is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street N.W., Washington D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, N.W., Suite 140, Washington D.C. 20037, (202) 857-3800). Synopsis of *First Report and Order*:

I. Background

1. In this docket, the Commission is examining the paging regulations in light of the statutory objective of regulatory symmetry for all Commercial Mobile Radio Services (CMRS) established in the Omnibus Budget Reconciliation Act of 1993, Pub. L. No.

103-66 (1993 Budget Act). The 1993 Budget Act amended the Communications Act to divide all mobile services into two categories, CMRS and private mobile radio service (PMRS), and mandated that substantially similar mobile services receive comparable regulatory treatment. In the *CMRS Third Report and Order*, Implementation of Sections 3(n) and 332 of the Communications Act, GN Docket No. 93-252, *Third Report and Order*, 59 FR 59945 (November 21, 1994) (*CMRS Third Report and Order*), the Commission concluded that CCP and PCP are substantially similar services and should be subject to comparable regulation. Under Section 6002(c)(2)(B) of the 1993 Budget Act, reclassified PCP licensees retain their PMRS status on a grandfathered basis until three years after the date of enactment of the legislation which occurred on August 10, 1993. PMRS paging services, as well as CMRS paging services, are subject to the interim and final measures in this proceeding.

2. In the *NPRM*, Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems and Implementation of Section 309(j) of the Communications Act—Competitive Bidding, WT Docket No. 96-18, *Notice of Proposed Rulemaking*, 61 FR 06199 (February 16, 1996) (*NPRM*), the Commission proposed a transition to geographic market area licensing for all paging services. In the *NPRM*, the Commission also proposed to adopt competitive bidding rules for mutually exclusive paging applications. Additionally, the Commission suspended acceptance of new applications for paging channels, as of February 8, 1996. The Commission allowed incumbents to make minor modifications to their existing systems, so long as the modifications did not increase their composite interference contour. The Commission also allowed all licensees with nationwide exclusivity to continue to add sites without restrictions.

3. The Commission received comments and reply comments on the interim proposals. Based on the arguments raised by the commenters, the Commission concludes that partially lifting the interim freeze for incumbent licensees would be in the public interest.

II. First Report and Order

A. Interim Freeze

4. In the *NPRM*, the Commission requested comment on an expedited basis on whether, during the pendency

of this proceeding, incumbents should be allowed to file new applications to expand or modify their existing systems in a way that would expand their existing interference contours, with such modifications receiving only secondary site authorization. The Commission also requested comment from interested parties on other alternatives for allowing expansion or modification of existing sites during the interim period. Commenters offered numerous suggestions for partially lifting the freeze. The Commission concurs with the commenters that partially lifting the interim freeze is necessary to allow incumbents flexibility in serving their customers and upgrading their equipment, and that these additions or modifications should be given primary, not secondary, status.

5. Commenters all generally oppose the interim freeze, particularly for incumbent licensees. Most of the commenters also oppose secondary site licensing, on the grounds that it would discourage investment, encourage speculation, and could result in future loss of service to the public. Several commenters propose that as an interim measure incumbent licensees be permitted to add sites to within 40 miles of an operating site. Commenters also offer other suggestions such as that incumbents be allowed to add sites if the service area of the new site overlaps with existing authorized sites by a minimum of 50 percent, or that they be allowed to expand their systems as long as the expansions do not interfere with other current adjacent licensees.

6. Commenters also argue that the freeze gives undue advantage to nationwide carriers, while decreasing the ability of the remainder of the industry to compete. One commenter noted that the paging freeze gives a competitive edge to Personal Communications Services (PCS). Several commenters observed that the paging industry is converting to a flexible wide-area synchronous protocol which requires additional sites.

7. A group of paging carriers and paging equipment manufacturers, the Coalition for a Competitive Paging Industry (Coalition), filed an Emergency Petition for immediate lifting of the freeze. The Commission incorporates the Petition into the record of this proceeding. The Coalition also filed reply comments on the interim licensing issue, which make many of the same arguments set forth in the Petition. To the extent that the Commission grants limited relief from the freeze for incumbent licensees, the Petition is granted. In all other respects, the Commission denies the Petition. The

Coalition argues that the freeze is unlawful, arbitrary and capricious, and an abuse of discretion on the grounds that: (1) There is insufficient spectrum available on currently allocated paging channels to accommodate additional systems; (2) paging carriers who are upgrading their technology are prevented by the freeze from filing the modification applications required to implement their networks; and (3) the Commission has discriminated against carriers serving local and regional markets by exempting nationwide carriers from the freeze. The Coalition also filed an *ex parte* letter proposing that: (1) The Commission accept applications filed by incumbents to expand or modify existing systems; (2) applications would be subject to Public Notice and competing applications if required under the rules in effect as of February 7, 1996; (3) requests for exclusivity on 929 MHz channels would be granted in appropriate cases under the rules in effect on February 7, 1996; and (4) mutually exclusive applications would not be processed until the conclusion of the rulemaking unless the parties could agree to eliminate mutual exclusivity through agreement.

8. The Federal Trade Commission (FTC) filed comments to, *inter alia*, explain the extent of the telecommunications investment fraud associated with paging licenses. According to the FTC, the investment fraud is of two basic types: (1) License "application mills" that sell application preparation services for acquisition of wireless licenses for a fee of several thousand dollars per license; and (2) "build-out" schemes, in which investors are sold interests in limited liability companies or partnerships that claim they will acquire licenses and build and operate telecommunications systems. Both of these schemes are carried out by telemarketers calling unsophisticated consumers and deceiving them about the profitability of the licenses, and the consumers generally lose their entire investment. In January 1996, the FTC filed six actions as part of "Project Roadblock" against the telemarketers who sold application preparation and acquisition services for paging licenses. The FTC observes that in the Commission's database of pending 931 MHz applications, over 72 percent of the applicants are individuals, rather than businesses. The FTC also notes that 92 percent of license holders on 929 MHz channels are individuals. According to the FTC, the high percentage of individual applicants strongly suggests that many of these individuals are victims of the

application mills. The FTC observes that telemarketing fraud has caused the Commission to process thousands of license applications for consumers who will never provide telecommunications services to the public, and contributes substantially to the backlog of pending applications and the quantity of mutually exclusive applications. According to the FTC, the freeze against accepting new applications has a strong deterrent effect on application mill fraud.

9. The Commission explains that it rejects the arguments of the Coalition and other commenters that the freeze is unlawful because it was not based on prior notice and comment. The Commission notes that the suspension of acceptance of applications is a procedural action that does not require notice and comment under the Administrative Procedure Act (APA). Additionally, the Commission notes that it has imposed similar freezes without prior notice and comment in other rulemaking proceedings when there was a proposal to make the transition to geographic area licensing and auction rules.

10. The Commission also rejects the arguments of commenters that imposing a freeze was arbitrary or an abuse of the Commission's discretion. The freeze remains essential to ensure that the goals of the rulemaking are not compromised. The primary argument raised by commenters against the freeze is that there is limited "white space" to be auctioned; however this contention is undermined by the commenters' argument that the freeze is causing severe economic harm. If there were in fact little or no white space left to be licensed, maintaining the freeze would have minimal impact. The Commission notes that while paging channels are heavily encumbered, there is some available spectrum that is of considerable value to applicants.

11. The Commission also states that the freeze is necessary to combat telemarketing schemes involving paging application fraud. The FTC estimates that fraudulent investment schemes centered on acquiring FCC licenses for wireless technologies have been the most prevalent telemarketing investment scams of the 1990s, costing consumers hundreds of millions of dollars. If the freeze were to be lifted, it could inadvertently encourage a resumption of fraudulent activity by application mills seeking to induce unsophisticated investors into filing applications. The Commission also stated a concern that the proposal to use auctions in this service may stimulate

speculative activity by parties seeking to warehouse free spectrum.

12. The Commission notes that the commenters have raised valid reasons to support partially lifting the freeze for the remainder of the interim period: the paging industry needs flexibility to make modifications and additions to systems to continue to serve their customers; licensees are in the process of converting to flexible wide-area synchronous protocol technology to increase data delivery speeds and therefore require additional base stations to maintain the existing service area; and the nationwide carriers may have a competitive advantage over the non-nationwide incumbent licensees in the local and regional markets. The Commission concludes that the interim freeze should be partially lifted for incumbent paging licensees.

13. As of May 10, 1996, the Commission is modifying the interim freeze imposed in the *NPRM*, by allowing all incumbent paging licensees subject to the interim freeze to apply for additional transmission sites on the same channel, on a primary basis, within 65 kilometers (40 miles) of an operating transmission site. An application will be accepted only if it is accompanied by a certification that (1) the applicant is an incumbent paging licensee, and (2) the proposed site is within 65 kilometers (40 miles) of an authorized transmission site that was licensed to the same applicant on the same channel on or before February 8, 1996 and which is operational as of the date the application for the additional transmitter site is filed. The applications from incumbent paging licensees on a non-nationwide CCP channel and incumbent paging licensees on an exclusive PCP channel will be placed on public notice and subject to competing applications within the applicable filing window.

14. The Commission states that while it will accept initial applications as described above only from incumbents, but it will not limit eligibility to file competing applications once the incumbent's initial application is filed. If no competing application is filed, the incumbent's initial application can be granted. If a competing application is filed, both applications will be treated as mutually exclusive and will be held in abeyance until the conclusion of this proceeding.

B. Interference Contour

15. In the *NPRM*, the Commission stated that incumbent licensees on all bands except the nationwide channels could add sites to existing systems, or modify existing sites during the

pendency of this rulemaking proceeding, if the addition or modification does not expand the interference contour of the incumbent's existing system. The Commission stated in a footnote that for such purposes, the interference contour would be based on a median field strength of 21 dBµV/m, and referenced the proposed mathematical formulas for calculating the service and interfering contours for paging systems.

16. The Commission's reference to the proposed formula to calculate the interference contour during the interim period caused some confusion among the commenters. The commenters object to the proposed formula to calculate the interference contour during the interim period because it would shrink their current interference contour. The commenters also contend that this proposal was unlawful because it was retroactive and was not subject to the required notice and comment procedures.

17. The Commission clarifies that it is not applying the proposed interference contour formula on a retroactive basis to any current sites. For purposes of interim licensing, incumbents may use the interference contour defined under the current rules to determine whether internal sites may be added or modified. The Commission notes that this will allow 939 MHz licensees to make internal system changes so long as they do not expand the composite circular interference contour of their existing stations as defined in Section 22.537(f) of the rules. The Commission also clarifies that the tables in Section 22.537(f) may be used on an interim basis by licensees on 929 MHz exclusive channels to determine where stations may be added.

C. Exempt Services

18. Commenters have asked the Commission to clarify that the freeze does not apply to Basic Exchange Telecommunications Radio Systems (BETRS), Special Emergency Radio Service (SERS), and two-way mobile telephone service on the two-way channels listed in Section 22.561 and these rural telephone channels should be exempt from the freeze. The Commission observes that this proceeding was initiated to examine the paging regulations in light of the statutory objective of regulatory symmetry for all CMRS established in the 1993 Budget Act. BETRS are licensed under the Rural Radiotelephone Service, which is a fixed service, not a mobile service, and by definition is not CMRS. Implementation of Sections 3(n) and

332 of the Communications Act, GN Docket No. 93-252, *Second Report and Order*, 59 FR 18493 (April 19, 1994) (*CMRS Second Report and Order*). Therefore, BETRS are not subject to the interim paging freeze. Similarly, conventional Rural Radiotelephone Service provided on the channels listed in Sections 22.561 and 22.563 is not a mobile service, and is not subject to the interim freeze in this proceeding. The Commission is also exempting SERS from the interim freeze.

D. Processing of Pending Applications

19. In this *First Report and Order*, the Commission establishes consistent procedures for processing applications filed on or before February 8, 1996. Pursuant to Sections 22.120(d) and 22.127, applications for 150 MHz and 450 MHz channels are placed on Public Notice for 30 days, and applications for 931 MHz channels are on Public Notice for 60 days to allow other applicants to file competing applications. All applications that were filed with the Commission on or before February 8, 1996 have been on Public Notice; however, the February 8, 1996 interim freeze interrupted the 30 or 60 day filing window in some cases. After the release of this *First Report and Order*, the Wireless Telecommunications Bureau will release a Public Notice with attached copies of the prior Public Notices containing the pending paging applications. Once the Public Notice is released, all pending applications filed by incumbents that were not on Public Notice for the required 30 or 60 days will be deemed to be on Public Notice for the remaining amount of time until the required 30 or 60 day period for filing competing applications expires. The Commission will not issue an additional Public Notice for these pending CCP applications. Upon expiration of the remaining filing period for these pending CCP applications filed by incumbents, the applications that are not mutually exclusive will be processed.

20. All 929 MHz PCP exclusive applications filed by incumbents which were processed through the frequency coordinator, and filed with the Commission on or before February 8, 1996, and are not mutually exclusive, will be processed. Applications for PCP channels submitted by incumbents to the frequency coordinator but not filed with the Commission prior to February 8, 1996, may be resubmitted to the frequency coordinator, and then may be filed with the Commission, provided that the applicant certifies that the applicant is an incumbent licensee with an operating system.

E. Canadian and Mexican Coordination During the Interim Period

The Commission states that in cases where coordination must be obtained in Canadian or Mexican border areas, licensees must continue to file applications with the Commission to allow for such coordination under the interim licensing procedures.

III. Conclusion

22. The Commission concludes that the revisions to the interim measures adopted in this *First Report and Order* will enable paging licensees to continue expansion of their systems and enhance the quality of service to the public while this proceeding is pending. At the same time, the limitations on new applications during the interim period will prevent spectrum warehousing and deter application fraud. The Commission emphasizes that the measures set forth in this *First Report and Order* are interim measures only, and that the long-term proposals for geographic licensing of paging channels will be determined in the future.

IV. Procedural Matters and Ordering Clauses

A. Regulatory Flexibility Analysis

As required by Section 604 of the Regulatory Flexibility Act, the Commission has prepared a Final Regulatory Flexibility Analysis for the Interim Measures in the *First Report and Order* of the expected impact on small entities of the modification of the interim measures.

Statement of the Need for and Objectives of Measures: In the *First Report and Order*, the Commission is modifying the interim measures, specifically, the interim freeze on new paging applications imposed in the *Notice of Proposed Rulemaking*, to permit incumbent paging licensees to apply for additional licenses to add transmission sites to existing paging systems on the same channel as the existing systems, provided that the additional transmission site is within 65 kilometers (40 miles) from an operating transmission site in the applicant's system. This modification of the interim measure will allow paging companies additional flexibility to expand their systems during the interim period.

Summary of Significant Issues Raised by Comments to the Initial Regulatory Flexibility Analysis (IRFA): There were no comments to the IRFA regarding the interim measures.

All significant alternatives are discussed in the *First Report and Order*.

B. Paperwork Reduction Act

This *First Report and Order* contains a new information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, has submitted this to Office of Management and Budget (OMB) for emergency approval under the Paperwork Reduction Act of 1995, Public Law 104-13. The Commission has requested OMB approval by April 29, 1996.

Further Information: For additional information concerning the information collections contained in this *First Report and Order*, contact Dorothy Conway at (202) 418-0217 or via the Internet at dconway@fcc.gov.

Supplementary Information:

Title: Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems and Implementation of Section 309(j) of the Communications Act—Competitive Bidding.

Type of Review: New Collection.

Respondents: Common Carrier Paging licensees and Private Carrier Paging licensees filing applications for additional transmission sites.

Number of Respondents: Approximately 2000.

Estimated Time Per Response: Approximately 0.08 hours for each respondent to read and sign the certification.

Total Annual Burden: A burden of approximately 160 hours.

Needs and Uses: On February 8, 1996, the Commission adopted a *Notice of Proposed Rule Making (NPRM)* that examines ways to establish a comprehensive and consistent regulatory scheme that will simplify and streamline licensing procedures and provide a flexible operating environment for both common carrier and private paging services. The *NPRM* imposed an interim across-the-board freeze on new paging applications.

On April 22, 1996, the Commission adopted the *First Report and Order* that modified the interim freeze imposed in the *NPRM* to allow the incumbents in the paging industry the flexibility needed to serve the public, and upgrade to more spectrally efficient equipment. The *First Report and Order* allows incumbent common carrier paging and private carrier paging licensees to expand their current paging systems by applying for additional transmission sites on the same channel within 65 kilometers (40 miles) from their existing operating transmission sites. This modification of the interim measures is limited to incumbent licensees. Paging applicants must certify in writing that: (1) The applicant is an incumbent

paging licensee, and (2) the proposed site is within 65 kilometers (40 miles) of an authorized transmission site that was licensed to the same applicant on the same channel on or before February 8, 1996 and which is operational as of the date the application for the additional transmitter site is filed. This modification of the interim measures is effective May 10, 1996.

C. *Ex Parte* Rules—Non-Restricted Proceeding

Ex parte presentations are permitted except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules, 47 CFR 1.1202, 1.1203, 1.1206(a).

D. Authority

The above action is authorized under the Communications Act, §§ 4(i), 303(r), 309(c), 309(j), and 332, 47 U.S.C. 154(i), 303(r), 309(c), 309(j), and 332, as amended.

E. Ordering Clauses

It is Ordered that, pursuant to the authority of sections 4(i), 303(r), 309(c), 309(j), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), 309(c), 309(j), and 332, this *First Report and Order* is adopted and the interim freeze set forth in the *Notice of Proposed Rulemaking* in this docket is modified, effective May 10, 1996 as set forth herein.

It is further ordered that the Emergency Petition for Immediate Withdrawal of Freeze filed by the Coalition for a Competitive Paging Industry on February 28, 1996, is granted to the extent discussed herein, and denied in all other respects.

List of Subjects

47 CFR Part 22

Communication common carriers, Reporting and recordkeeping requirements.

47 CFR Part 90

Common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-11643 Filed 5-9-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to permit FM Channel and Class Modifications [Upgrades] by Applications*, 8 FCC Rcd 4735 (1993).

EFFECTIVE DATE: May 10, 1996.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, adopted April 26, 1996, and released May 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission'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 Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 233A and adding Channel 233C3 at West Helena.

3. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 276A and adding Channel 276B1 at Oakhurst, by removing Channel 286A and adding Channel 286B1 at Pacific Grove, and by removing Channel 239A and adding Channel 242A at Twentynine Palms.

4. Section 73.202(b), the Table of FM Allotments under Kansas, is amended

by removing Channel 284A and adding Channel 284C3 at Fort Scott.

5. Section 73.202(b), the Table of FM Allotments under Maine, is amended by removing Channel 249A and adding Channel 249B.

6. Section 73.202(b), the Table of FM Allotments under Montana, is amended by removing Channel 233C1 and adding Channel 233C1 at Great Falls and by removing Channel 257C and adding Channel 257A at Red Lodge.

7. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by removing Channel 249A and adding Channel 249C1 at Holdrege.

8. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 266C3 and adding Channel 266A at White Rock.

9. Section 73.202(b), the Table of FM Allotments under South Carolina, is amended by removing Channel 232A and adding Channel 232C3 at Goose Creek.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 96-11763 Filed 5-9-96; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-153; RM-8702]

Radio Broadcasting Services; Tillamook, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Brian Lord, allots Channel 231A to Tillamook, OR, as the community's second local FM transmission service. See 60 FR 55358, October 31, 1995. Channel 231A can be allotted to Tillamook in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.8 kilometers (3.6 miles) west, at coordinates 45-27-27 North Latitude; 123-55-00 West Longitude, to avoid a short-spacing to Station KPQQ-FM, Channel 229C, Portland, Oregon. Canadian concurrence in the allotment has been received since Tillamook is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: Effective June 17, 1996. The window period for filing applications will open on June 17, 1996, and close on July 18, 1996.