

SUPPLEMENTARY INFORMATION: Current regulations at § 200.5, § 200.7, § 200.8, and § 200.9 of Title 36 of the Code of Federal Regulations provide guidance for locating, inspecting, and copying Forest Service information. As part of the President's Regulatory Reinvention Initiative, an agency review team determined that these four small regulations could be combined to provide one streamlined regulation for viewing and obtaining information. In addition, minor revisions have been made to clarify longstanding procedures for requesting information and for clarifying when fees are assessed for copies of records and agency publications. As a result of combining these rules, sections 200.10 and 200.11 will be redesignated as §§ 200.7 and 200.8 respectively. No substantive changes have been made to the agency's policies on access to information.

List of Subjects in 36 CFR Part 200

Administrative practice and procedure, Freedom of information, Organization and functions (Government agencies).

Therefore, for the reasons set forth in the preamble, Part 200 of Title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 200—[AMENDED]

1. The authority citation for Part 200 is revised to read as follows:

Authority: 5 U.S.C. 552; 16 U.S.C. 472, 551, and 1603.

2. In part 200, §§ 200.6 and 200.5 are redesignated as §§ 200.5 and 200.6, respectively, and newly designated § 200.6 is revised to read as follows:

§ 200.6 Information available; inspection, copying, and charges.

(a) In accordance with 5 U.S.C. 552(a) and 7 CFR 1.2, the Forest Service shall make available for public inspection and copying all published or unpublished directives, forms, records, and final opinions, including concurring or dissenting opinions and orders made in the adjudication of cases. Charges for information requested from the Forest Service are set out in paragraph (d) of this section and vary according to the type of information requested.

(b) Information made available pursuant to paragraph (a) of this section may be obtained at the Office of the Chief, or the office of any Regional Forester, Research Station Director, Area Director, Institute Director, Forest Supervisor, or District Ranger. The addresses of these offices are set forth in §§ 200.1 and 200.2. Forest Service

personnel at these offices will assist members of the public seeking Forest Service records. However, Research Station and Institute Directors and District Rangers may not have all volumes of the Forest Service Manual and Handbooks. When the information requested is not available at a given location, the personnel where the request is received will direct the requester to another office where the information may be obtained.

(c) Inspection and copying availability is as follows:

(1) Facilities for inspection and copying are available at the offices listed in §§ 200.1 and 200.2, during established office hours for the particular location, usually 8 a.m. to 5 p.m., Monday through Friday. Copying facilities may not be available at all Forest Service offices.

(2) Requesters for information may make copies of available information without charge if they elect to bring their own copy equipment to the appropriate offices listed in §§ 200.1 and 200.2.

(3) Requesters should make prior arrangements for using agency copying facilities or for bringing in copying equipment and, in the later case, should get advance approval from the office.

(d) Any request for information pursuant to the provisions of the Freedom of Information Act must be submitted in accordance with §§ 200.7 and 200.8. The Forest Service charges a fee for copies of records not generally made available to the public but released pursuant to a FOIA request in accordance with a schedule of fees established by the Department of Agriculture at 7 CFR Part 1, Subpart A, Appendix A. These fees do not apply to information that is generally and routinely made available to the public upon request, such as recreational brochures, pamphlets, maps, and technical guides as well as agency directive issuances. Separate charges for such general information are established in the agency's Directive System (§ 200.4). For example, some pamphlets and small segments of the Forest Service Manual and Handbook may be provided at no cost, but maps of the National Forest System and larger sections of the Manual and Handbook are available for a charge. Current charges are explained at the time the request is made.

§§ 200.7, 200.8, and 200.9 [Removed]

§§ 200.10 and 200.11 [Redesignated as §§ 200.7 and 200.8]

3. Remove §§ 200.7 through 200.9 and redesignate §§ 200.10 and 200.11 as §§ 200.7 and 200.8, respectively.

Dated: March 7, 1997.

Barbara C. Weber,
Acting Chief.

[FR Doc. 97-6783 Filed 3-20-97; 8:45 am]

BILLING CODE 3410-11-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-5800-1]

Arizona: Final Authorization of State Hazardous Waste Management Program Revisions; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule; correction.

SUMMARY: The Environmental Protection Agency published in the **Federal Register** of March 7, 1997, the authorization of Arizona's Hazardous Waste Management Program Revisions under the Resource Conservation and Recovery Act (RCRA). The heading in that published version stated "Nevada: Final Authorization of State Hazardous Waste Management Program Revisions." This was a typographical error and should have read "Arizona: Final Authorization of State Hazardous Waste Management Program Revisions." This document corrects that error and consequently extends the public comment period and effective dates.

DATES: Final authorization for Arizona is effective May 20, 1997 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Arizona's program revision application must be received by the close of business April 21, 1997.

FOR FURTHER INFORMATION CONTACT: Lisa McClain-Vanderpool, U.S. EPA Region IX (WST-3), 75 Hawthorne Street, San Francisco, CA 94105, Phone: 415/744-2086.

Dated: March 14, 1997.

Rich Vaille,

Acting Director, Waste Management Division.

[FR Doc. 97-7217 Filed 3-20-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WT Docket No. 97-82; FCC 97-60]

Competitive Bidding Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On February 20, 1997, the Federal Communications Commission adopted an *Order* amending and clarifying its general competitive rules. The *Order* also clarifies the extent of authority delegated to the Chief of the Wireless Telecommunications Bureau to implement regulations pertaining to competitive bidding. In addition, the *Order* modifies the short-form application (FCC Form 175) to include a certification indicating that an applicant is not in default on any payment for Commission licenses or delinquent on any non-tax debt owed to any federal agency. The rule changes set forth in the *Order* are intended to streamline the auctions process, and improve competitive bidding practices.

DATES: Effective April 21, 1997.

FOR FURTHER INFORMATION CONTACT:

Mark Bollinger, Wireless

Telecommunications Bureau, Federal Communications Commission, (202) 418-0660.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's *Order* in FCC 97-60; WT Docket No. 97-82, adopted on February 20, 1997, and released on February 28, 1997. The complete text of this *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 copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. The complete *Order* is also available on the Commission's Internet home page (<http://www.fcc.gov/>).

Synopsis of the Order

1. In this *Order*, the Commission amends subpart Q of part 1 of the Commission's rules to reflect procedural changes that we believe will benefit bidders and the auction process generally and, in so doing, address some issues raised in petitions for reconsideration of our *Competitive Bidding Fifth Memorandum Opinion and Order*, 69 FR 63210 (December 7, 1994). Because the amendments adopted herein pertain to agency procedure and practice the requirement of notice and comment rule making contained in 5 U.S.C. 553(b) and the effective date provisions of 5 U.S.C. 553(d) do not apply.

Rule Changes

2. By this *Order*, the Commission amends the menu of competitive bidding designs provided in § 1.2103(a).

The rule is revised to include: (1) Simultaneous multiple round auctions, using remote and/or on-site electronic bidding; (2) sequential multiple round auctions, using either oral ascending, remote or on-site electronic bidding; and (3) sequential or simultaneous single round auctions, using either remote and/or on-site electronic bidding, or sealed bids.

3. The Commission believes that the public interest would be served by establishing regular quarterly auctions for defaulted licenses or unsold licenses that were previously auctioned and for which there are mutually exclusive applications, services with a small number of licenses, and services in which licenses are expected to have low values. The Commission therefore will conduct quarterly auctions in the future, while retaining the discretion to decide in any quarter that an auction will not be held.

4. Section 1.2105(a) of the Commission's rules is amended to indicate that an applicant's signature on FCC Form 175 or its electronic submission of this form will serve to certify that the applicant is not in default on any payment for Commission licenses (including downpayments) and that it is not delinquent on any non-tax debt owed to any federal agency. The certification we henceforth will require regarding defaulted licenses and delinquent debts to federal agencies will afford additional assurance that the applicant will be able to meet its future obligations by indicating whether it may later be subject to a monetary judgment or collection procedures that may impair its ability to provide service. Bidders who cannot make this certification may be ineligible for installment payment plans.

5. The Commission amends §§ 1.2106(b) and 1.2107(b) to require that bidders make their upfront payments and downpayments to the Commission by wire transfer, thereby eliminating the option of making payments by cashier's check.

6. The Commission amends § 1.2110(e)(3) to codify the procedure under which all applicants eligible to utilize installment payments execute a promissory note and security agreement as a condition of participating in any installment payment plan that is offered by the FCC.

7. On a related matter, bidders and financial institutions have indicated that auction rules may prevent commercial lenders and equipment vendors from adequately protecting the loans they make or the credit they extend to auction winners who avail themselves of the installment payment

plans. Specifically, parties have requested the Commission provide automatic grace periods in the event of default under the installment payment plan; implement installment payment plan terms consisting of interest-only payments for the entire term of the license, with a balloon payment at the end of the license term; enter into intercreditor or collateral sharing agreements with other creditors of licensees and/or make the auction payment to the Commission subordinate to the debt of the licensee's financial lenders; not cancel licenses where the licensees are in default of their installment payments and instead allow the license to remain part of the assets to be sold as a "going concern" in a pre-bankruptcy workout; and ease license transfer restrictions to allow for voluntary transfer of licenses to non-designated entities in cases of financial distress. In the *Notice of Proposed Rule Making* portion of this document, the Commission seeks comment on changes to the part 1 rules with regard to grace periods and installment payment plan terms, and will incorporate these parties' suggestions into the record generated by the *NPRM*. With regard to the remaining concerns, the Commission believes that the auction rules balance in a reasonable, commercial fashion the government's interest in protecting the public's rights to receive full payment for the spectrum bid upon, while granting qualifying entities the ability to pay for licenses through installment payments more generous in terms than any type of loan otherwise available in the marketplace. Our rules and policies are designed to promote private market solutions to capital problems (*i.e.*, licensees and lenders working together toward a satisfactory resolution), and therefore provide adequate mechanisms for entities to attain sufficient debt financing under general market conditions. To the extent that the petitioning parties seek relief outside of what is already provided by the Commission's rules, these requests are denied for the following reasons.

8. First, under current Commission policy, lenders may not be granted direct security interests in FCC licenses. In the auctions context, the Commission has established a first security interest in licenses being financed by it through installment payment plans. Accordingly, § 1.2110(e)(4)(iii) of the Commission's rules provides for cancellation of a license upon default of installment payment obligations. The Commission understands that it is customary in commercial financing to

grant lenders security interests in the proceeds of the sale of FCC licenses and § 1.2110(e) is not intended to impede or adversely affect a licensee's ability to obtain bank or other financing. Accordingly, debtors may grant to other parties a subordinated security interest in the proceeds of an authorized assignment or transfer of the license to a third party, provided however that any such security interest shall be subordinated to and in no way inconsistent with the Commission's security interest in the license.

9. The Commission notes, however, that reclaiming a license pursuant to § 1.2110(e)(4)(iii) is the Commission's remedy of last resort after conclusion of the regulatory processes set forth in § 1.2110(e). The Commission firmly believes that "[m]arket-oriented solutions to problems of financial distress will often be preferable to the FCC reclaiming and reauctioning licenses." Amendment of parts 20 and 24 of the Commission's rules, *Report and Order*, 61 FR 33859 (July 1, 1996) (*D, E, F Block Report and Order*). This is particularly true when reclaiming a license would deprive or interrupt service to ongoing end users. Lenders and licensees are free to agree contractually to their own terms regarding situations where the licensee fails to make timely payments under the Commission's installment payment program. As long as there is no transfer of control, the Commission would not become involved in the particulars of a voluntary workout arrangement between licensees and third-party lenders, including lenders' assumption of the licensee's payments to the Commission. Our policies also provide that in the event an installment payment licensee is in default to a third-party lender such that the lender accelerates its loan, the lender can seek a new buyer to replace the defaulted licensee, subject to Commission approval of the transfer. While certain FCC rules contain restrictions on the transfer of licenses acquired through the use of designated entity provisions for the statutory purposes of assuring license dissemination among a wide variety of applicants including designated entities, licensees may request a waiver of such rules. For example, upon a showing, supported by an affidavit, that the licensee is in financial distress, the Commission will consider granting a waiver of the transfer restrictions provided that such transaction is otherwise in the public interest. Under these circumstances, if a license is transferred to an entity that would not qualify for designated entity provisions,

or that would qualify for less favorable designated entity provisions, the unjust enrichment provisions set forth in § 1.2111 of the Commission's rules or service-specific rules would apply. In summary, commercial lenders and equipment vendors have adequate assurances from the Commission that in most situations of financial distress, licenses can be transferred as a "going concern," subject, of course, to the rights of the Commission to the payments of obligations created under the Commission's rules (including unjust enrichment payments), the license conditions, the promissory note, and the security agreement.

10. The Commission changes the applicable downpayment and final payment period from five (5) business days to ten (10) business days and changes the event triggering the final payment obligation (or in the case of entities eligible for installment payments, the second downpayment obligation) from the award of the license to the issuance of a public notice indicating that the Commission is prepared to award the license or authorization. These changes will facilitate a more orderly licensing process and ensure that successful bidders have adequate time to fulfill their payment obligations. Section 1.2109(b) of the Commission's rules, which addresses the circumstances in which a bidder will be deemed to have defaulted on its downpayment obligations, is also amended to specify ten (10) business days instead of five (5) business days.

11. The Commission amends § 1.2110(b)(2), the definition of "minority," to include: "Blacks, Hispanics, American Indians, Alaskan Natives, Asians, and Pacific Islanders." With regard to the meaning of particular categories in the definition, the Commission shall use the same category descriptions the Commission has relied on in other contexts.

12. The Commission also clarifies that pursuant to § 0.131 of the rules, the Chief, Wireless Telecommunications Bureau, has delegated authority to implement all of the Commission's rules pertaining to auctions procedures. This includes the authority to choose competitive bidding designs and methodologies, such as simultaneous multiple round auctions or oral outcry auctions and remote electronic bidding or on-site bidding; conduct auctions; administer application, payment, license grant and denial procedures; and determine upfront and downpayment amounts. The Commission notes that the Bureau should, to the extent possible, carry out its duties under this

authority through the use of orders, public notices, bidder packages, notices disseminated through the electronic bidding system, and by other reasonable means and with the benefit of public comment where appropriate. Such Bureau actions are subject to review by the full Commission.

Procedural Matters and Ordering Clauses

13. *It is ordered* that the rule changes specified in Appendix B, attached to the *Order*, are adopted and are effective April 21, 1997.

14. *It is further ordered* that the petitions for reconsideration of the *Competitive Bidding Fifth Memorandum Opinion and Order*, to the extent that they are addressed in the *Order*, are denied.

15. *Authority.* This action is taken pursuant to sections 4(i), 5(b), 5(c)(1), 303(r), and 309 (j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(b), 156(c)(1), 303(r), and 309(j).

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Rule Changes

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended 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., and 47 U.S.C. 151, 154(i), 154(j), and 303(r).

2. Sections 1.2103 (a) and (b) are revised to read as follows:

§ 1.2103 Competitive bidding design options.

(a) The Commission will select the competitive bidding design(s) to be used in auctioning particular licenses or classes of licenses on a service-specific basis. The choice of competitive bidding design will generally be made pursuant to the criteria set forth in PP Docket No. 93-253, FCC 94-61, adopted March 8, 1994, available for purchase from the International Transcription Service, Inc., 2100 M St. NW., suite 140, Washington, DC 20037, telephone (202) 857-3800, but the Commission may design and test alternative methodologies. The Commission will choose from one or more of the following types of auction designs for services or classes of services subject to competitive bidding:

(1) Simultaneous multiple round auctions (using remote or on-site electronic bidding);

(2) Sequential multiple round auctions (using either oral ascending or remote and/or on-site electronic bidding); and/or

(3) Sequential or simultaneous single round auctions (using either sealed paper or remote and/or on-site electronic bidding).

(b) The Commission may use combinatorial bidding, which would allow bidders to submit all or nothing bids on combinations of licenses or authorizations, in addition to bids on individual licenses or authorizations. The Commission may require that to be declared the high bid, a combinatorial bid must exceed the sum of the individual bids by a specified amount. Combinatorial bidding may be used with any type of auction. The Commission may also allow bidders to submit contingent bids on individual and/or combinations of licenses.

* * * *

3. Section 1.2105 is amended by revising paragraph (a)(2) to read as follows:

§ 1.2105 Bidding application and certification procedures; prohibition of collusion.

(a) * * *

(2) The Form 175 must contain the following information:

(i) Identification of each license on which the applicant wishes to bid;

(ii) The applicant's name, if the applicant is an individual. If the applicant is a corporation, then the short-form application will require the name and address of the corporate office and the name and title of an officer or director. If the applicant is a partnership, then the application will require the name, citizenship and address of all partners, and, if a partner is not a natural person, then the name and title of a responsible person should be included as well. If the applicant is a trust, then the name and address of the trustee will be required. If the applicant is none of the above, then it must identify and describe itself and its principals or other responsible persons;

(iii) The identity of the person(s) authorized to make or withdraw a bid;

(iv) If the applicant applies as a designated entity pursuant to § 1.2110, a statement to that effect and a declaration, under penalty of perjury, that the applicant is qualified as a designated entity under § 1.2110.

(v) Certification that the applicant is legally, technically, financially and otherwise qualified pursuant to section 308(b) of the Communications Act of

1934, as amended. The Commission will accept applications certifying that a request for waiver or other relief from the requirements of section 310 is pending;

(vi) Certification that the applicant is in compliance with the foreign ownership provisions of section 310 of the Communications Act of 1934, as amended;

(vii) Certification that the applicant is and will, during the pendency of its application(s), remain in compliance with any service-specific qualifications applicable to the licenses on which the applicant intends to bid including, but not limited to, financial qualifications. The Commission may require certification in certain services that the applicant will, following grant of a license, come into compliance with certain service-specific rules, including, but not limited to, ownership eligibility limitations;

(viii) An exhibit, certified as truthful under penalty of perjury, identifying all parties with whom the applicant has entered into partnerships, joint ventures, consortia or other agreements, arrangements or understandings of any kind relating to the licenses being auctioned, including any such agreements relating to the post-auction market structure.

(ix) Certification under penalty of perjury that it has not entered and will not enter into any explicit or implicit agreements, arrangements or understandings of any kind with any parties other than those identified pursuant to paragraph (a)(2)(viii) of this section regarding the amount of their bids, bidding strategies or the particular licenses on which they will or will not bid; and

(x) Certification that the applicant is not in default on any Commission licenses and that it is not delinquent on any non-tax debt owed to any Federal agency.

* * * *

4. Section 1.2106 is amended by revising paragraph (b) to read as follows:

§ 1.2106 Submission of upfront payments.

* * * *

(b) Upfront payments must be made by wire transfer in U.S. dollars from a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation and must be made payable to the Federal Communications Commission.

* * * *

5. Section 1.2107 is amended by revising paragraphs (b) and (c) to read as follows:

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

* * * *

(b) Within ten (10) business days after being notified that it is a high bidder on a particular license(s), a high bidder must submit to the Commission's lockbox bank such additional funds (the "down payment") as are necessary to bring its total deposits (not including upfront payments applied to satisfy penalties) up to twenty (20) percent of its high bid(s). (In single round sealed bid auctions conducted under § 1.2103, however, bidders may be required to submit their down payments with their bids.) This down payment must be made by wire transfer in U.S. dollars from a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation and must be made payable to the Federal Communications Commission. Winning bidders who are qualified designated entities eligible for installment payments under § 1.2110(d) are only required to bring their total deposits up to ten (10) percent of their winning bid(s). Such designated entities must pay the remainder of the twenty (20) percent down payment within ten (10) business days of grant of their application. See § 1.2110(e) (1) and (2). Down payments will be held by the Commission until the high bidder has been awarded the license and has paid the remaining balance due on the license or authorization, in which case it will not be returned, or until the winning bidder is found unqualified to be a licensee or has defaulted, in which case it will be returned, less applicable payments. No interest on any down payment will be paid to the bidders.

(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 (unless it has already submitted such an application, as contemplated by § 1.2105(a)(1)(b)). 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. Specific procedures for filing electronically and manually filed applications will be set out by Public Notice. While Form 600 may be filed either electronically or manually, beginning January 1, 1998, all applications must be filed electronically. Those applicants who file applications manually must also include a copy of all attachments and

any other supporting documents on a 3.5 inch diskette in separate ASCII text (.TXT) file formats. An applicant that fails to submit the required long-form application under this paragraph and fails to establish good cause for any late-filed submission, shall be deemed to have defaulted and will be subject to the payments set forth in § 1.2104.

* * * * *

6. Section 1.2109 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1.2109 License grant, denial, default, and disqualification.

(a) Unless otherwise specified in these rules, auction winners are required to pay the balance of their winning bids in a lump sum within ten (10) business days following award of the license. Grant of the license will be conditioned on full and timely payment of the winning bid.

(b) If a winning bidder withdraws its bid after the Commission has declared competitive bidding closed or fails to remit the required down payment within ten (10) business days after the Commission has declared competitive bidding closed, the bidder will be deemed to have defaulted, its application will be dismissed, and it will be liable for the default payment specified in § 1.2104(g)(2). In such event, the Commission may either re-auction the license to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids. The down payment obligations set forth in § 1.2107(b) will apply.

* * * * *

7. Section 1.2110 is amended by revising paragraphs (b)(2), (e)(1), (e)(2), and the introductory text of (e)(3) to read as follows:

§ 1.2110 Designated entities.

* * * * *

(b) * * *

(2) Businesses owned by members of minority groups and/or women. Unless otherwise provided in rules governing specific services, a business owned by members of minority groups and/or women is one in which minorities and/or women who are U.S. citizens control the applicant, have at least 50.1 percent equity ownership and, in the case of a corporate applicant, a 50.1 percent voting interest. For applicants that are partnerships, every general partner either must be a minority and/or woman (or minorities and/or women) who are U.S. citizens and who individually or together own at least 50.1 percent of the partnership equity, or an entity that is 100 percent owned and controlled by

minorities and/or women who are U.S. citizens. The interests of minorities and women are to be calculated on a fully-diluted basis; agreements such as stock options and convertible debentures shall be considered to have a present effect on the power to control an entity and shall be treated as if the rights thereunder already have been fully exercised. However, upon a demonstration that options or conversion rights held by non-controlling principals will not deprive the minority and female principals of a substantial financial stake in the venture or impair their rights to control the designated entity, a designated entity may seek a waiver of the requirement that the equity of the minority and female principals must be calculated on a fully-diluted basis. Members of minority groups include Blacks, Hispanics, American Indians, Alaskan Natives, Asians, and Pacific Islanders.

* * * * *

(e) * * *

(1) Unless otherwise specified, each eligible applicant paying for its license(s) on an installment basis must deposit by wire transfer in the manner specified in § 1.2107(b) sufficient additional funds as are necessary to bring its total deposits to ten (10) percent of its winning bid(s) within ten (10) business days after the Commission has declared it the winning bidder and closed the bidding. Failure to remit the required payment will make the bidder liable to pay penalties pursuant to § 1.2104(g)(2).

(2) Within ten (10) business days of the grant of the license application of a winning bidder eligible for installment payments, the licensee shall pay another ten (10) percent of the high bid, thereby commencing the eligible licensee's installment payment plan. Failure to remit the required payment will make the bidder liable to pay default payments pursuant to § 1.2104(g)(2).

(3) Upon grant of the license, the Commission will notify each eligible licensee of the terms of its installment payment plan and that it must execute a promissory note and security agreement as a condition of the installment payment plan. Unless other terms are specified in the rules of particular services, such plans will:

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[FR Doc. 97-7232 Filed 3-20-97; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 92-291, RM-8133]

Radio Broadcasting Services; Cambridge and St. Michaels, MD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants an Application for Review filed by CWA Broadcasting, Inc. directed to a staff action denying its proposal to reallocate Channel 232A from Cambridge to St. Michaels, Maryland, and modify its Station WFBR construction permit to specify St. Michaels as the community of license. See 60 FR 38738, July 28, 1995. As a result, Channel 232A is now allotted to St. Michaels, Maryland, and the Station WFBR construction permit now specifies St. Michaels as the community of license. The reference coordinates for the Channel 232A allotment at St. Michaels, Maryland, are 38-49-17 and 76-17-27. With this action, the proceeding is terminated.

EFFECTIVE DATE: May 2, 1997.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order* adopted March 6, 1997, and released March 17, 1997. The full text of this decision is available for inspection and copying during normal business hours in the FCC 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, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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 Maryland, is amended by removing Channel 232A at Cambridge, and adding St. Michaels, Channel 232A.