

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-

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. 96-1421 Filed 1-25-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AB80

Migratory Bird Hunting: Amended Test Protocol for Nontoxic Shot Approval Procedures for Shot and Shot Coatings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The principal purpose of this action is to promulgate a rulemaking that will update and amend the current nontoxic shot approval procedures by establishing a 3-tiered approval process. Shot approval will be considered at each tier with the testing becoming progressively more demanding. An environmentally benign shot could be granted approval at the first tier. This process is designed to include both candidate shot and shot coatings.

DATES: Comments on this proposal must be received by March 26, 1996.

ADDRESSES: Comments regarding this notice should be addressed to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, 634 ARLSQ, 1849 C St., NW., Washington, DC 20240. Comments received on this notice will be available for public inspection during normal business hours in Room 634, Arlington Square Building, 4401 No. Fairfax Drive, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Paul Schmidt, Chief, or Keith Morehouse, Staff Specialist, Office of Migratory Bird Management, 703/358-1714.

SUPPLEMENTARY INFORMATION: The Service is proposing to revise and update the existing nontoxic shot approval procedures by establishing a 3-tiered approval process. Shot approval will be considered at each tier with the testing becoming progressively more demanding. An environmentally benign shot could be granted approval at the first tier. This approval process is designed to include both candidate shot and shot coatings. The Service and applicant have concluded much of the currently identified nontoxic testing required for bismuth-tin shot and the process was shown to be both confusing and cumbersome. The Service believes that this procedure needs to be modified because:

1. From an ecosystem management standpoint, species in addition to waterfowl species need to be considered;
2. Since the original regulations were promulgated, important advances have occurred in the field of ecological risk assessment that can be applied to this process;
3. Time, expense and burden on applicants and the Federal Government can be reduced without risk to wildlife; and
4. From an animal welfare standpoint, the numbers of test animals used can be reduced.

It should be noted, however, that while these procedures were put in place in 1986, the Service had not had any submission requesting approval of nontoxic shot until the bismuth-tin shot application of 1994. From our experience with the bismuth-tin shot approval process, it has been determined that procedures should be modified to accommodate situations where less than full testing is indicated. Thus, the Service and the National Biological Service (NBS) have cooperatively developed an alternative draft set of procedures proposed to be used for approving nontoxic shot as well as coatings that would replace the testing requirements presently contained in § 20.134. As with the current procedures, the proposed set of approval procedures carries the assumption that the applicant has the burden of proof that the candidate coating or shot is nontoxic.

The system proposed is 3-tiered and is meant to gradually increase the difficulty of the level of testing based on a test-in/test-out principle. That is, those candidate materials not approved

as a result of subjecting them to the standards set at Tier 1 would be subjected to the standards of Tier 2, and so forth, i.e., test-in. If the candidate material is approved at Tier 1 there would be no requirement to proceed to Tier 2 or 3, i.e., test-out. The criteria for requiring testing under Tier 2 standards would be met if data is incomplete or inconclusive as a result of review of materials and analyses conducted at Tier 1. Similarly, the criterion for requiring testing under Tier 3 standards would be met if material is found to have some poorly defined level of toxic effects at Tier 2.

As currently proposed by this regulation, Tier 1 would set out comprehensive and detailed requirements that must be provided to the Service in order for the Service to grant approval. Based on the Service's evaluation of whatever Tier 1 information could be gathered, the Service would make a decision to grant approval or require Tier 2 testing. That is, the scope of the new procedures outlined in Tier 1 would include: (1) Statements of use, chemical characterization, production variability and volume of use. The Service would request the specifics on the chemical compound(s) to be used and a complete analysis of potential environmental toxicity, as well as the thickness in the case of coating(s) and percentage of the coating in comparison to the total shot weight; (2) information on the toxicological effects of the material, including an ecological risk assessment on the toxicological effects of the coating and an assessment explaining why the applicant believes the coating or base material(s) does not pose toxicity problems for wildlife; and (3) information on the environmental fate and transport of the material. The Service would seek information on changes, if any, that are produced by firing the shot, the estimated half-life of the material and estimates of the environmental concentrations that are apt to be expected. Tier 1 procedures also contain a set of requirements defining the Service's responsibility in evaluating the submitted data/information.

Previously codified candidate shot testing procedures would be divided between Tiers 2 and 3, with the *in vitro* erosion rate testing and the short-term (30-day) acute toxicity testing part of Tier 2, and the chronic exposure under adverse conditions and the chronic exposure reproduction testing part of Tier 3. Tier 2 will also include a test protocol that would assess the potential for the candidate shot to affect aquatic organisms, such as fish and/or