

11. Newly redesignated § 20.49 is amended by revising paragraphs (a) and (c) to read as follows:

**§ 20.49 Denial of a request for records.**

(a) A denial of a request for records, in whole or in part, shall be signed by the Associate Commissioner for Public Affairs (or delegatee).

\* \* \* \* \*

(c) A letter denying a request for records, in whole or in part, shall state the reasons for the denial and shall state that an appeal may be made to the Deputy Assistant Secretary for Public Affairs (Media), Department of Health and Human Services. The agency will also make a reasonable effort to include in the letter an estimate of the volume of the records denied, unless providing such an estimate would harm an interest protected by an exemption under the Freedom of Information Act. This estimate will ordinarily be provided in terms of the approximate number of pages or some other reasonable measure. This estimate will not be provided if the volume of records denied is otherwise indicated through deletions on records disclosed in part.

\* \* \* \* \*

12. Section 20.107 is amended by revising paragraph (a) to read as follows:

**§ 20.107 Food and Drug Administration manuals.**

(a) Food and Drug Administration administrative staff manuals and instructions that affect a member of the public are available for public disclosure. An index of all such manuals is available by writing to the Freedom of Information Staff (HF1-35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A-16, Rockville, MD 20857, or by visiting the Freedom of Information public reading room, located in rm. 12A-30 at the same address. The index and all manuals created by the agency on or after November 1, 1996, will be made available through the Internet at <http://www.fda.gov>.

\* \* \* \* \*

13. Section 20.120 is added to subpart F to read as follows:

**§ 20.120 Records available in Food and Drug Administration Public Reading Rooms.**

(a) The Food and Drug Administration operates two public reading rooms. The Freedom of Information Staff's public reading room is located at 5600 Fishers Lane, rm. 12A-30, Rockville, MD 20857; the phone number is 301-827-6500. The Dockets Management Branch's public reading room is located at 5630 Fishers Lane, rm. 1061, Rockville, MD

20852; the phone number is 301-827-6860. Both public reading rooms are open from 9 a.m. to 4 p.m., Monday through Friday, excluding legal public holidays.

(b) The following records are available at the Freedom of Information Staff's public reading room:

(1) A guide for making requests for records or information from the Food and Drug Administration;

(2) Administrative staff manuals and instructions to staff that affect a member of the public;

(3) Food and Drug Administration records which have been released to any person in response to a Freedom of Information request and which the agency has determined have become or are likely to become the subject of subsequent requests for substantially the same records;

(4) Indexes of records maintained in the Freedom of Information Staff's public reading room; and

(5) Such other records and information as the agency determines are appropriate for inclusion in the public reading room.

(c) The following records are available in the Dockets Management Branch's public reading room:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Statements of policy and interpretation adopted by the agency that are still in force and not published in the **Federal Register**;

(3) Indexes of records maintained in the Dockets Management Branch's public reading room; and

(4) Such other records and information as the agency determines are appropriate for inclusion in the public reading room.

(d) The agency will make reading room records created by the Food and Drug Administration on or after November 1, 1996, available electronically through the Internet at the agency's World Wide Web site which can be found at <http://www.fda.gov>. At the agency's discretion, the Food and Drug Administration may also make available through the Internet such additional records and information as it believes will be useful to the public.

Dated: September 17, 1999.

**Margaret M. Dotzel,**

*Acting Associate Commissioner for Policy.*

[FR Doc. 99-28857 Filed 11-3-99; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 99-2303, MM Docket No. 99-318, RM-9745]

**Digital Television Broadcast Service; Panama City, FL**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Waitt License Company of Florida, Inc., licensee of station WPGX (TV), NTSC Channel 28, Panama City, Florida, proposing the substitution of DTV Channel 9 for station WPGX's assigned DTV Channel 29c. DTV Channel 9 can be substituted and allotted to Panama City, Florida, as proposed, in compliance with the principle community requirements of Section 73.625(a) at coordinates 30-23-42 N. and 85-32-02 W. DTV Channel 9 can be allotted to Panama City with a power of 100 (kW) and a height above average terrain (HAAT) of 207 meters.

**DATES:** Comments must be filed on or before December 23, 1999, and reply comments on or before January 7, 2000.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lawrence Bernstein, 1818 N Street, NW, Suite 700, Washington, DC 20036 (Counsel for Waitt License Company of Florida, Inc.). **FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-318, adopted October 29, 1999, and released November 1, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, S.W., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

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.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 99-28663 Filed 11-3-99; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 99-2304, MM Docket No. 99-319, RM-9756]

#### Digital Television Broadcast Service; Albany, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Waitt License Company of Georgia, L.L.C., licensee of station WFXL (TV), NTSC 31, Albany, Georgia, proposing the substitution of DTV Channel 12 for station WFXL (TV)'s assigned DTV Channel 30. DTV 30 can be substituted and allotted to Albany, Georgia, as proposed, in compliance with the principle community requirements of Section 73.625(a) at coordinates 31-19-52 N. and 83-51-43 W. DTV Channel 12 can be allotted to Albany with a power of 60 (kW) and a height above average terrain (HAAT) of 287 meters.

**DATES:** Comments must be filed on or before December 23, 1999, and reply comments on or before January 7, 2000.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lawrence Bernstein, 1818 N Street, NW, Suite 700, Washington, DC 20036 (Counsel for Waitt License Company of Georgia, L.L.C.).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No.

99-319, adopted October 29, 1999, and released November 1, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

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.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 99-2356, MM Docket No. 99-322, RM-9762]

#### Radio Broadcasting Services; Chillicothe and Ashville, OH

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Secret Communications II, L.L.C. seeking the reallocation of Channel 227B from Chillicothe to Ashville, OH, as the community's first local aural service, and the modification of Station WKKJ's license to specify Ashville as its community of license. Channel 227B can be allotted to Ashville with a site restriction of 11.9 kilometers (7.4 miles) southeast, at coordinates 39-37-17 North Latitude and 82-53-13 West Longitude. Station WKKJ is a pre-1964 grandfathered short-spaced station with respect to Station WAKW, Channel 227B, Cincinnati, Ohio, and the proposed transmitter site is that specified in its outstanding construction

permit (BPH-19981201IA). Therefore, adoption of this proposal would maintain the existing grandfathered short-spacing.

**DATES:** Comments must be filed on or before December 20, 1999, and reply comments on or before January 4, 2000.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Richard R. Zaragoza, Jason S. Roberts, Fisher Wayland Cooper Leader & Zaragoza L.L.P., 2001 Pennsylvania Avenue, NW, Suite 400, Washington, DC 20006 (Counsel to petitioner).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-322, adopted October 20, 1999, and released October 29, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

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.*

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