

months of November 1989–January 1990 reduced the shipping standard to 25 percent of receipts for any cooperative association supply plant that delivered producer milk during each of the immediately preceding months of September through August. The proposed action would further reduce the amount of milk that must be shipped from any supply plant to a distributing plant during January 1990 if the supply plant shipped milk during September 1989.

Both the current and previous actions were requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that operates supply plants under the order and represents producers who supply the market. Mid-Am contends the action is necessary because of a reduced need for shipments of milk from supply plants to furnish the fluid milk requirements of distributing plants.

Mid-Am indicates that the reduction of the fluid milk requirements for the market is a result of the recent sale of a distributing plant to another handler that is regulated under the order. Mid-Am has maintained pool plant status under the order for its Cabool, Missouri, supply plant by making shipments to the distributing plant that was sold. The fluid milk accounts of the plant that was sold were shifted to distributing plants that are regulated under other Federal orders and the plant ceased receiving milk on October 19, 1989. As a result, there was a reduction in the amount of supplemental supply plant milk required of Mid-Am to meet the fluid milk needs of the market.

In response to this situation, a suspension order was issued for the months of November 1989–January 1990 that reduced the shipping standard for supply plants operated by cooperative associations to 25 percent of milk receipts. Mid-Am now contends that, under current marketing conditions, it will not be able to perform at the 25 percent shipping level to pool its supply plant at Cabool, Missouri, without engaging in inefficient and uneconomic movements of milk. Thus, Mid-Am contends that a further suspension for January 1990 is necessary to eliminate unnecessary shipments of milk to pool the milk of dairy farmers who have historically supplied the fluid milk needs of the market.

List of Subjects in 7 CFR Part 1032

Dairy products, Milk, Milk marketing orders.

PART 1032—[AMENDED]

The authority citation for 7 CFR part 1032 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 801–874.

Signed at Washington, DC, on: December 26, 1989.

Kenneth C. Clayton,
Acting Administrator.

[FR Doc. 89–30244 Filed 12–28–89; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 694]

RIN 1512-AA07

Realignment of the Eastern Boundary of the Alexander Valley Viticultural Area and the Northeastern Boundary of the Northern Sonoma Viticultural Area (88F–120P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF), has received a petition for the revision of the eastern boundary of the Alexander Valley Viticultural area to encompass the planted areas of Gauer Ranch and Chestnut Springs Vineyards. The proposed revised boundary conforms, in part, to the boundary proposed by Group B of the original Alexander Valley petitioners.

ATF is also proposing the revision of the northeastern boundary of the Northern Sonoma viticultural area to coincide with the proposed revision of the northeastern boundary for the Alexander Valley viticultural area.

DATE: Written comments must be received by February 12, 1990.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385 (Notice No. 694). Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Disclosure Branch Room 4412, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: David W. Brokaw, Wine and Beer

Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, (202) 566–7626.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), title 27, CFR defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features, the boundaries of which have been delineated in subpart C of part 9.

Section 4.25a(e)(2), Title 27, CFR, outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy (or copies) of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

T.D. ATF–187

T.D. ATF–187, which was published in the Federal Register on October 24, 1984, established the Alexander Valley viticultural area effective November 23, 1984. Two groups had presented petitions for the establishment of an Alexander Valley viticultural area, and a hearing was held on January 24, 1983, concerning establishment of the viticultural area. In the final rule, ATF found that the general area encompassed within the boundaries proposed by the second group, ("Group B"), merited establishment as the Alexander Valley viticultural area. Therefore, the viticultural area

established by the final rule generally corresponded to the area proposed by Group B. However, their proposed boundaries were modified to exclude several mountainous areas encompassed by the eastern and northwestern boundaries, which ATF found possessed viticultural features which were distinguished by geographical features from the rest of the proposed viticultural area. Specifically, ATF found that the mountainous areas to the east were characterized by soils primarily of the Goulding-Toomes-Guenoc association, while the valley floor was characterized by soils of the Yolo-Cortina-Pleasanton association. ATF noted that virtually all grapes in the Alexander Valley area were grown on the valley floor, adjacent river terraces, and the lower slopes rising out of the valley. The U.S.G.S. 7.5 minute topographic maps consulted by ATF did not depict any vineyards in the mountainous areas. Finally, ATF found no evidence that the name Alexander Valley was locally and/or nationally known as referring to those mountainous areas, or that the historical or current boundaries of Alexander Valley had ever included those areas. Therefore, ATF concluded that the eastern boundaries proposed by Group B encompassed mountain areas which lay outside the actual geographic and viticultural limits of Alexander Valley, and those boundaries were modified accordingly.

Petition

ATF has received a petition for revision of the eastern boundary of Alexander Valley viticultural area to encompass the planted and soon-to-be-planted areas of Gauer Ranch and Chestnut Springs Vineyards. The petition was submitted by Edward H. Gauer of Gauer Ranch and Ellis J. Alden of Chestnut Springs Vineyards.

Mr. Gauer stated that his 8,000-acre ranch includes property on the valley floor and land rising to the northeast into the hills. Mr. Gauer began planting vineyards in Alexander Valley in 1972. Over the next five years he established 251 acres of vineyards on the valley floor and at low elevations in the foothills. Since 1977 an additional 142 acres have been planted on the hillsides, and another 392 acres of potential new vineyard sites have been chosen.

Mr. Alden stated that he purchased his 1,400 acre ranch in the hills east of Geyserville in 1986 and planted his first vineyards in 1988. Thirteen acres of Cabernet grapes are in the ground; a total of 100 acres are planted for the ranch and nearly level expanses of the upland valley on his ranch. Mr. Gauer

recently learned that a large part of his property was excluded from the official Alexander Valley viticultural area boundaries which were established in 1984. Both of the petitions originally submitted at the time included all of Mr. Gauer's hillside vineyards, as well as the site which has now been planted to Mr. Alden's vineyards. Evidence at the hearing did not focus on the exclusion of vineyards of higher elevation. Both petitioners were under the erroneous impression that their properties were included in the Alexander Valley viticultural area boundaries. However, the boundaries described in the final petition excluded a portion of Mr. Gauer's vineyards, and totally excluded the property currently owned by Mr. Alden. When T.D. ATF-187 was issued, ATF was unaware that the boundaries would exclude portions of Mr. Gauer's vineyards from the Alexander Valley viticultural area. ATF mistakenly believed that there were no vineyards planted in the mountainous areas to the east of the eastern boundary line. The petition thus requests a revision of the northeastern boundary of the Alexander Valley viticultural area to include the vineyards owned by the petitioners. The proposed boundary revision would add approximately 19,085 acres of territory to Alexander Valley. Of these, 165 acres are currently planted to grapes, and another 460 acres will be planted within the next three to five years.

Northern Sonoma

ATF's proposal to revise the boundary of the Alexander Valley viticultural area affects the boundary of the Northern Sonoma viticultural area.

In the preamble to Notice No. 472 proposing the Northern Sonoma viticultural area, ATF stated its intention to have the proposed boundary coincide generally with the "outer" portions of the boundaries of the proposed Alexander Valley, Dry Creek Valley, Russian River Valley, and Knights Valley viticultural areas. In the preamble to T.D. ATF-204, ATF stated that these four areas all fit perfectly together dividing northern Sonoma County into four large areas with the Northern Sonoma area using all of the outer boundaries of these four areas with the exception of a small area having nearly 300 acres of grapevines and possessing the same geographical features as the rest of the Northern Sonoma area.

Therefore, ATF is proposing to revise the northeastern boundary of the Northern Sonoma viticultural area to coincide with the proposed revised northeastern boundary for the Alexander Valley viticultural area.

Evidence of Name

The petitioners contend that the area within the proposed extension has always been known as being part of Alexander Valley. They submitted evidence that the area was known as Alexander Valley at the time the final boundaries were established in 1984, and has been known as part of Alexander Valley since then.

The petitioners submitted several letters from owners of neighboring vineyards, including one from a member of the Alexander Valley Appellation Committee, which stated that the area in question is locally known as part of Alexander Valley. The letters supported the petitioners' contention that their vineyards had been left out of the Alexander Valley boundaries by mistake.

The petitioners also submitted letters from several wineries stating that they had used grapes from the area in question in wines which were labeled as coming from the Alexander Valley. For example, a letter from Landmark Vineyards stated that they had purchased grapes from the Gauer Ranch, from both the valley floor and hillside locations, over several vintages, and had consistently designated wines made from those grapes as "Alexander Valley," including a vineyard designated "Gauer Ranch" Chardonnay which was produced in 1982, which came entirely from one of the hillside vineyards. A letter from Chateau St. Jean Vineyards and Winery stated that they had purchased several tons of Chardonnay grapes from the Gauer estate during the late 1970s and early 1980s, and had labeled these wines to reflect their Alexander Valley heritage.

The petitioners also submitted several newspaper and magazine articles which referred to the Gauer ranch as being located in the Alexander Valley area. The following list contains examples of the articles submitted:

(1) An article entitled "Gauer Ranch Vineyard Designation" (Sonoma County California Visitors Review, 5/8/87), which refers to the "high-elevation vineyards of the Circle G (Gauer Ranch) in Alexander Valley."

(2) An article entitled "Gauer Grapes Say Sayonara California; Hello Japan" (California Visitors Review, 10/23/87), which refers to "the premium, hillside, Alexander Valley vineyards of Gauer Estate Winery."

(3) An article entitled "A winery 'Department Store' for Alexander Valley" (San Francisco Chronicle, 7/20/87), which refers to Mr. Gauer as an "Alexander Valley grape grower."

(4) An article entitled "Ex-Clothes Magnate Buys Wine Complex," (The Press Democrat, 7/11/87), which refers to Mr. Gauer's purchase of "a large wine warehouse and crushing facility near his 6,000-acre ranch in the Alexander Valley."

(5) An article entitled "Valley Grapes Head for Tokyo" (The Healdsburg Tribune, 10/23/87), stating that sixty tons of "grapes from the hillside Alexander Valley Vineyards of Gauer Estate Winery" had been sent to Tokyo.

Finally, the petitioners submitted a map distributed by the Sonoma County Wineries Association, of which over 8,000 copies have been distributed over the past 5 years, which shows the boundaries of the Alexander Valley viticultural area as encompassing the vineyards owned by the petitioners.

Apparently the map was created in early 1984, before the final rule on Alexander Valley was published, and the boundaries on the map are the boundaries proposed by Group B, not the boundaries that were adopted in the final rule. The petitioners contend that the map has been distributed on a nationwide basis, and that it has contributed to a belief on the part of wine consumers that the petitioners' vineyards were within the official boundaries of the Alexander Valley viticultural area.

Thus, the petitioners contend that the evidence establishes that the area under consideration is locally and nationally known as part of Alexander Valley.

Topography

The elevations found within the petitioned area are consistent with elevations inside the currently defined boundaries of Alexander Valley. Elevations in the northeastern corner of the appellation, which are the highest in the Alexander Valley viticultural area, range from 1,600 to 2,400 feet. Within the petitioned area elevations range from 600 to 2,000 feet.

The proposed amended boundary approximates a minor watershed boundary within the larger Russian River watershed. To the southwest of the proposed boundary line (i.e., the foothills currently in Alexander Valley viticultural area and the area proposed to be added to the appellation) surface water drains directly into the Russian River. To the northeast of the line, surface water drains first into Sulphur Creek and its tributaries and from there into the Russian River. This natural boundary proceeds from the top of Black Mountain along a ridge line that bisects Mr. Alden's Ranch.

Climate

The climate of the petitioned area falls within the range of climate found inside the currently approved Alexander Valley appellation. The climate of Alexander Valley contains a certain amount of variation. For example, temperatures increase as one travels from north to south; fog affects only the southern portion of the valley. In general, the climate of Alexander Valley is characterized as a Region III climate according to the system developed by Amerine and Winkler.

No long range temperature studies for either the Gauer Ranch or Chestnut Springs Ranch have been made. However, the petitioners state that years of viticultural experience on the Gauer Ranch indicate that the area has a Region III climate, suitable for the production and consistent ripening of late varieties such as Cabernet Sauvignon, yet not too warm to produce excellent quality Chardonnay, a relatively early variety.

Soils

The petitioners explain that a very general soil survey map of Sonoma County put out by the U.S. Department of Agriculture Forest Service and Soil Conservation Service (May 1972), which categorizes soil groupings into ten types, characterizes the primarily alluvial soils of the valley floor as the Yolo-Cortina-Pleasanton Association. Proceeding northeast into the foothills, the map identifies the next soil grouping as the Goulding-Toomes-Guenoc Association. Farther east and running parallel to this association lies another grouping classified as the Yorkville-Suther Association. The rugged mountainous area beyond is mapped as the Los Gatos-Hennecke-Maymen Association. The current eastern boundary of the appellation runs within the area marked Goulding-Toomes-Guenoc, except for the expanded area in the northeast corner, which is mapped as Yorkville-Suther.

However, the petitioners state that a closer examination of U.S. Department of Agriculture Forest Service and Soil Conservation (May 1972) large scale soil maps of the eastern half of Alexander Valley suggests that the distinctions between the general soil associations of the foothills are not so clear-cut. The close-in foothills, inside the current Alexander Valley viticultural area boundaries, contain significant quantities of many of the same soils as the foothills in the petitioned area.

The eastern foothills officially accepted as part of Alexander Valley show substantial areas of Suther loam,

Laughlin loam, Suther-Laughlin loams, Spreckels loam soils, and smaller areas of Sobrante loam, Yorkville clay loam, Pleasantown gravelly loam, Josephine loam, Hennecke gravelly loam, and others including Montara cobbly clay loam, Guenoc gravelly silt loam, Supan silt loam, and Toomes rocky loam. The principal soils in this list are classified as uplands range soils.

The petitioned area shows predominantly Suther loam, Laughlin loam, Suther-Laughlin loams, Yorkville clay loam, and Sobrante loam soils, with smaller areas of Josephine loam, Hennecke gravelly loam, and others. The principal soils, here again, are classified as uplands range soils.

The area outside the proposed amended boundary has large areas of Hennecke gravelly loam, Los Gatos gravelly loam, Stonyford gravelly loam, Josephine loam, Suther-Laughlin loams, Hugo very gravelly loam, and Laughlin loam soils, and smaller areas of Maymen gravelly sandy loam, Hugo-Atwell complex, rock land, and others. The principal soils in this group are mountainous/wilderness type soils.

Thus, the petitioners state that in the eastern foothills of Alexander Valley, like in most parts of Sonoma County, there is a great diversity of soil types. There are, however, unifying themes as well. As described above, the same soils reappear throughout the foothills. East of the proposed amended boundary, where the terrain becomes appreciably more rugged, different soil types appear and become predominant.

Public Participation-Written Comments

ATF requests comments from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except to comments received on or before the closing date.

ATF will not recognize any submitted material as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on the proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The Director, however, reserves the right to

determine, in light of all circumstances, whether a public hearing will be held.

Regulatory Flexibility Act

It is hereby certified that this proposed regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Executive Order 12291

It has been determined that this proposed regulation is not a major regulation as defined in E.O. 12291 and a regulatory impact analysis is not required because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographical regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice because no requirement to collect information is proposed.

Drafting Information

The principal author of this document is David W. Brokaw, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority And Issuance

27 CFR Part 9, American Viticultural Areas, is amended as follows:

PART 9—[AMENDED]

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Section 9.53 is amended by revising paragraphs (c) (37) through (42), removing paragraphs (c) (43) and (44), and redesignating paragraphs (c) (45) and (46) as (c) (43) and (44) to read as follows:

§ 9.53 Alexander Valley

* * * * *

(c) Boundary * * *

(37) Then northerly along the western lines of Section 4, of T. 9 N., R. 8 W., and Sections 33, 28, 21, 16, and 9 of T. 10 N., R. 8 W.;

(38) Then westerly along the northern lines of Sections 8 and 7, T. 10 N., R. 8 W. and Section 12, T. 10 N., R. 9 W. to the southeastern corner of Section 2, T. 10 N., R. 9 W.;

(39) Then northwesterly in a straight line to the eastern line of Section 3 at 38 degrees 45 minutes latitude, T. 10 N., R. 9 W.;

(40) Then westerly along latitude line 38 degrees 45 minutes to the point lying at 122 degrees 52 minutes 30 seconds longitude;

(41) Then northwesterly in a straight line to the southeast corner of Section 4, T. 11 N., R. 10 W., on the Asti, Quadrangle map;

(42) Then northeasterly in a straight line to the southeast corner of Section 34, T. 12 N., R. 10 W.;

Par. 3. Section 9.70(b) is revised to read as follows:

§ 9.70 Northern Sonoma

* * * * *

(b) *Approved maps.* The approved maps for determining the boundary of the Northern Sonoma viticultural area are the U.S.G.S. Topographical Map of Sonoma County, California, scale 1:100,000, dated 1970, the Asti Quadrangle, California, 7.5 minute series (Topographic) Map, dated 1959, photorevised 1978, and the Jintown Quadrangle, California-Sonoma County, 7.5 Minute series (Topographic) Map, dated 1955, photorevised 1975.

Par. 4. Section 9.70 is amended by revising paragraphs (c) (10) through (26) and by removing paragraphs (c) (27) and (28) to read as follows:

(c) Boundary * * *

(10) The boundary proceeds northerly along the western lines of Sections 4, of Township 9 North, Range 8 West, and Sections 33, 28, 21, 16, and 9 of Township 10 North, Range 8 West on the Jintown Quadrangle map.

(11) The boundary proceeds westerly along the northern lines of Sections 8 and 7, Township 10 North, Range 8 West and Section 12, Township 10 North, Range 9 West to the southeastern corner of Section 2, Township 10 North, Range 9 West.

(12) The boundary proceeds northwesterly in a straight line to the eastern line of Section 3 at 38 degrees 45 minutes latitude, Township 10 North, Range 9 West.

(13) The boundary proceeds westerly along latitude line 38 degrees 45 minutes to the point lying at 122 degrees 52 minutes 30 seconds longitude.

(14) The boundary proceeds northwesterly in a straight line to the southeast corner of Section 4, Township 11 North, Range 10 West, on the Asti, Quadrangle map.

(15) The boundary proceeds northeasterly in a straight line to the southeast corner of Section 34, Township 12 North, Range 10 West.

(16) The boundary proceeds north along the east boundary of Section 34, Township 12 North, Range 10 West on the U.S.G.S. Topographical Map of Sonoma County; California, to the Sonoma County-Mendocino County line.

(17) The boundary proceeds along the Sonoma County-Mendocino County line west then south to the southwest corner of Section 34, Township 12 North, Range 11 West.

(18) The boundary proceeds in a straight line east southeasterly to the southeast corner of Section 2, Township 11 North, Range 11 West.

(19) The boundary proceeds in a straight line south southeasterly to the southeast corner of Section 24, Township 11 North, Range 11 West.

(20) The boundary proceeds in a straight line southeasterly across Sections 30, 31, and 32 in Township 11 North, Range 10 West, to the point at 38 degrees 45 minutes North latitude parallel and 123 degrees 00 minutes East longitude in Section 5, Township 10 North, Range 10 West.

(21) The boundary proceeds along this latitude parallel west to the west line of Section 5, Township 10 North, Range 11 West.

(22) The boundary proceeds along the section line south to the southeast corner of Section 18, Township 9 North, Range 11 West.

(23) The boundary proceeds in a straight line southwesterly approximately 5 miles to the peak of Big Oat Mountain, elevation 1404 feet.

(24) The boundary proceeds in a straight line southerly approximately 2 ¼ miles to the peak of Pole Mountain, elevation 2,204 feet.

(25) The boundary proceeds in a straight line southeasterly approximately 4 ¼ miles to the confluence of Austin Creek and the Russian River.

(26) The boundary proceeds along the Russian River northeasterly, then southeasterly to the beginning point.

Signed: December 18, 1989.

Stephen E. Higgins,

Director.

[FR Doc. 89-30240 Filed 12-28-89; 8:45 am]

BILLING CODE 4810-31-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-583, RM-7052]

Radio Broadcasting Services; Van Wert, Ohio, and Monroeville, IN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Atlantic Resources Corporation seeking the reallocation of Channel 255B from Van Wert, Ohio, to Monroeville, Indiana, and the modification of its license for Station WBYR(FM) accordingly. Channel 255B can be allotted to Monroeville in compliance with the Commission's minimum distance separation requirements and can be used at Station WBYR(FM)'s present transmitter site. The coordinates for this allotment are North Latitude 40-57-14 and West Longitude 84-53-07. In accordance with § 1.420 of the Commission's Rules, we will not accept competing expressions of interest in use of the channel at Monroeville or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before February 12, 1990, and reply comments on or before February 27, 1990.

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: Peter A. Rohrbach, Esq., Marissa G. Repp, Esq., Christy J. Dittrick, Esq., Hogan & Hartson, Columbia Square, 555 Thirteenth Street, NW, Washington, DC 20004-1109 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-583, adopted December 5, 1989, and

released December 20, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 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, (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.

Karl A. Kensinger,

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

[FR Doc. 89-30209 Filed 12-28-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-579; RM-7065]

Radio Broadcasting Services; Big Rapids and Whitehall, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by West Michigan Radio, Inc., proposing the substitution of FM Channel 272C3 for Channel 272A at Big Rapids, Michigan, and modification of the license for Station WAAQ(FM) to specify the higher class channel. To accommodate the Class C3 channel at Big Rapids, it is necessary to substitute Channel 248A for vacant Channel 272A at Whitehall, Michigan. The coordinates for Channel 272C3, Big Rapids, are 43-43-20 and 85-36-30. The coordinates for Channel 248A, Whitehall, are 43-24-24 and 86-20-42. Canadian concurrence will be requested for both allotments.

DATES: Comments must be filed on or before February 12, 1990, and reply

comments on or before February 27, 1990.

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: John F. Garziglia, Pepper & Corazzini, 1776 K Street, NW., Suite 200, Washington, DC 20006 (counsel for petitioner).

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-579, adopted December 5, 1989, and released December 20, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 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, (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 Section 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.

Karl Kensinger,

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

[FR Doc. 89-30208 Filed 12-28-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-581, RM-7067]

Radio Broadcasting Services; Zanesville and South Zanesville, OH

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.