

Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the significant historic and recreational values along Galice Creek:

Willamette Meridian

Revested Oregon and California Railroad Grant Lands

T. 34 S., R. 8 W.,

Sec. 35, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 35 S., R. 8 W.,

Sec. 2, lots 7 to 14, inclusive, and lots 16, 17, and 19, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 290.02 acres in Josephine County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: April 4, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

[MM Docket No. 93-24, FCC 95-51]

Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services; ITFS Filing Window

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order adopts a window filing procedure for the processing of applications for new Instructional Television Fixed Service (ITFS) stations and major changes to

existing stations. It further adopts rules affecting the four-channel rule, receive site interference protection, the protected service area, and other aspects of ITFS operation. The Report and Order responds to the comments received in response to the Notice of Proposed Rulemaking in this proceeding. Notice of Proposed Rulemaking in MM Docket No. 93-24, (Notice), Order and Further Notice of Proposed Rulemaking in MM Docket No. 93-24 (Further Notice). The action is required to hasten ITFS and wireless cable service to the public by streamlining the processing of ITFS applications.

EFFECTIVE DATE: Upon approval of the Office of Management and Budget of a modified FCC Form 330 to effectuate the modifications approved in this Report and Order. The FCC will published a document announcing the effective date in the **Federal Register** when OMB approval is imminent.

FOR FURTHER INFORMATION CONTACT: Paul R. Gordon, Mass Media Bureau, Policy and Rules Division, (202) 739-0773.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in MM Docket No. 93-24, adopted and released on February 7, 1995. The complete text of this Report and Order is available for inspection and copying in the FCC Reference Center (room 239) at the Federal Communications Commission, 1919 M St., NW, Washington, DC 20554, and may also be purchased from the Commission's copying contractor, International Transcription Service, at (202) 857-3800, 2100 M St., NW, Suite 140, Washington, DC 20037.

Synopsis of Report and Order

1. By this Report and Order, the Commission adopts rules that will increase the efficiency of our processing of applications for new ITFS stations, major amendments to such applications, and major changes to existing stations. The Commission also considers additional proposals intended to increase the efficiency, and curtail potential abuse, of the application processes.

2. During the past decade, applicants for new ITFS stations or major changes in existing stations have been subject to an A/B cut-off procedure. This procedure involves placing the first application(s) accepted for filing and determined to be substantially complete on a public notice called an "A" cut-off list. This list notifies the public that the application has been accepted and gives interested parties 60 days to file competing applications or petitions to

deny. An applicant placed on the "A" cut-off list is required to make any major changes to its proposal before the end of the "A" cut-off period. After the "A" period expires, the staff places all substantially complete applications which were filed during that period and found to be mutually exclusive with any listed "A" application on a "B" list. This list notifies the public that the specified applications have been accepted for filing, and it provides 30 days for the filing of petitions to deny or minor amendments to those applications.

3. The telecommunications environment has changed substantially since 1985, when the Commission instituted this procedure. Also, in more than 90% of recently filed applications, ITFS licensees plan to lease their excess channel capacity to wireless cable operators, who almost always pays for the construction of the ITFS facilities. These changes have fostered a substantial increase in the rate of applications filed for new ITFS stations or major changes in existing stations, creating a significant backlog of applications. Therefore, in the Notice of Proposed Rulemaking in this proceeding, 58 FR 12011 (March 2, 1993), we proposed a filing window procedure for the acceptance of applications, to allow us to better control the flow of applications and to improve processing efficiency.

4. Pursuant to our proposal, we would accept applications for new facilities and applications for major changes in existing facilities only during limited periods (or "windows"). We would place applications filed in the window that were not mutually exclusive with any other application, and that were found to be acceptable for filing, on a proposed grant list. We would then provide the immediately following 30 days for the submission of petitions to deny. Uncontested applications would then be granted, if in the public interest. With regard to mutually exclusive applications, we would similarly give 30-day Public Notice for the submission of petitions to deny. Thereafter, we would evaluate those applications under the existing comparative selection process. Any applications currently tendered but not yet placed on an "A" cut-off list would be treated as having been filed and cut off as of the close of the first filing window.

5. Currently, simply to allow the release of an "A" cut-off list, each application must undergo a substantive engineering analysis upon filing. No applications are granted or denied in this stage of processing. Subsequently, after the "B" cut-off period, each