

spacing to Channel 5, Great Falls, Montana.

4. The petitioner filed comments in response to the *Second Further Notice* supporting the original proposal which would reassign Channel 6 to Billings as a commercial channel with the reservation of Channel 10 at Miles City for noncommercial educational use. It based this support on the fact that (1) if the Commission approved a pending assignment of license application of Station KYUS-TV, Miles City, to KOUS, then 3 C's, as part of that application, has agreed to a dismissal of its application for Channel 10 at Miles City, thereby removing the impediment to switching the educational reservation from Channel 6 to Channel 10, and (2), the use of Channel 6 at Billings does not require a site restriction or modification of the Lander, Wyoming, Channel 5 license to specify operation on a different offset.

5. The Chrysostom Corporation, in its comments, indicates that it is willing to change offset provided it receives reasonable reimbursement for the costs involved in such a change, should Channel 5 be assigned to Billings. The assignment of Channel 5 is supported by Arapahoe as it will enable Commission grant of the application for use of Channel 13 at Lewistown, Montana.

6. In reply comments, KOUS and 3 C's have informed the Commission that the assignment application of KOUS has been granted and the application of 3 C's for Channel 10 at Miles City has been dismissed. Accordingly, we find that adoption of the original proposal, that of the dereservation and reassignment of Channel 6 from Miles City to Billings, with the reservation for noncommercial educational use of Channel 10 at Miles City, to be in the public interest. The application of 3 C's for use of Channel 10 at Miles City has been dismissed and the channel has not been applied for by any other party. Channel 6 at Billings can be assigned without the imposition of a site restriction and no existing licensee needs to modify its operation. Further, this action will enable Billings to receive an additional commercial television service while retaining an educational assignment for use at Miles City. Canadian concurrence in the channel assignment has been received.

PART 73—[AMENDED]

§ 73.606 [Amended]

7. In view of the above and pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283

of the Commission's Rules, it is ordered, That effective April 4, 1985, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with respect to the communities listed below, to read as follows:

City	Channel No.
Billings, Montana	2, 6, 8, *11, 14, 20 +
Miles City, Montana	3 - , *10

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-5323 Filed 3-5-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-168]

Authorization of the Offering of Data Transmission Services on the Vertical Blanking Interval of Television Stations; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; Correction.

SUMMARY: This document corrects an error made in the Report and Order in this proceeding concerning the Vertical Blanking Interval of Television Stations. The error specifically appears in § 73.646(d). The Report and Order was published in the *Federal Register* on February 1, 1985, 50 FR 4658.

FOR FURTHER INFORMATION CONTACT: Alan Stillwell, (202) 632-6302.

Erratum

In the matter of amendment of Parts 2, 73, and 76 of the Commission's Rules to authorize the offering of data transmission services on the vertical blanking interval of television stations; MM Docket No. 84-168.

Released: February 19, 1985.

PART 73—[CORRECTED]

§ 73.646 [Corrected]

1. On January 24, 1985, the Commission released a *Report and Order* in the above captioned matter, 50

FR 4658. In this document, there is an error in the text of the new rules on page one of Appendix B. The error is in the second sentence of paragraph (d) page 4664, under "§ 73.646 Telecommunications Service on the Vertical Blanking Interval." The released text reads "... with the right to reject any material that it deems is appropriate or undesirable." The correct text is "... with the right to reject any material that it deems inappropriate or undesirable."

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 85-5319 Filed 3-5-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 74

[MM Docket No. 84-280]

Frequency Assignment Procedures in the Broadcast Remote Pickup Service to Facilitate More Efficient Use of the Available Spectrum

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This *Order* establishes the effective date for two previously adopted rule changes affecting the Broadcast Remote Pickup Service.

This action is taken by the Commission in its efforts to relax restrictive regulations and policies.

The Rule changes are intended to provide broadcasters more flexibility in the way they use the Broadcast Remote Pickup frequencies.

EFFECTIVE DATE: February 13, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Hank VanDeursen, Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 74

Communications equipment.

Order

In the matter of amendment of frequency assignment procedures in the Broadcast Remote Pickup Service to facilitate more efficient use of the available spectrum MM Docket No. 84-280.

Adopted: February 13, 1985.

Released: February 15, 1985.

By the Chief, Mass Media Bureau.

1. The Commission adopted a *Report and Order* pertaining to the Broadcast Remote Pickup Service on October 26,

1984¹ with the effective date to be specified in a future *Order* when appropriate computer programs are available for implementing the rules. Some of the rule changes are not dependent upon those computer programs, and can therefore become effective immediately. These include the elimination of the "guard receiver" requirement for repeaters and the elimination of the "program only" usage restriction on the present R and S group channels.

Actions

2. Accordingly, it is ordered, pursuant to § 0.5(c) of the Commission's Statement of Delegations of Authority, that Part 74 of the Commission's Rules and Regulations is amended as set forth in the attached Appendix A, effective upon adoption.

3. Further information on this proceeding may be obtained by contacting Hank VanDeursen, Mass Media Bureau, (202) 632-9660.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission,
James C. McKinney,
Chief, Mass Media Bureau.

Appendix A

PART 74—[AMENDED]

Part 74 of the Federal Communications Commission's Rules and Regulations is amended as follows:

§ 74.402 [Amended]

1. Section 74.402 is amended by removing and reserving footnote 7 to paragraph (a).

2. Section 74.436 is amended by removing paragraphs (a) (1), (2), and (3) in their entirety, revising the introductory paragraph, and revising paragraph (a) to read as follows:

§ 74.436 Special requirements for automatic relay stations.

An automatic relay station shall, in addition to the relay transmitter, include a control unit and one or more relay receivers.

(a) The licensee shall institute appropriate operating procedures to prevent interference to other stations

operating on the automatic relay output channel.

[FR Doc. 85-5314 Filed 3-5-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-202]

Organization and Delegation of Powers and Duties; Commercial Space Launch Act

AGENCY: Office of the Secretary, DOT,
ACTION: Final rule.

SUMMARY: This amendment delegates to the Director of the Office of Commercial Space Transportation the authority vested in the Secretary by the Commercial Space Launch Act.

EFFECTIVE DATE: The effective date of this amendment is October 30, 1984.

FOR FURTHER INFORMATION

CONTACT: Robert I. Ross, Office of the General Counsel, Department of Transportation, Washington, DC (202) 472-5580.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the Federal Register.

Executive Order 12465 of February 24, 1984, "Commercial Expendable Launch Vehicles" (49 FR 7211; February 28, 1984) assigns to DOT responsibility for being the lead agency within the Federal Government for encouraging and facilitating commercial expendable launch vehicle (ELV) activities by the United States private sector. The Order assigns to the Secretary of Transportation numerous responsibilities and authorities in this regard. To carry out these functions, the Secretary established within the Office of the Secretary an Office of Commercial Space Transportation, headed, by a Director reporting directly to the Secretary.

To support the efforts of the ELV industry and DOT, the Congress recently passed the Commercial Space Launch Act, Pub. L. 98-575, which the President signed on October 30, 1984. That act establishes a formal regulatory,

licensing, and enforcement scheme at DOT for ELVs, the places from which they are launched, and the payloads that they carry. All authority vested in the Secretary in that act is being delegated to the Director.

When a formal hearing is held, the Director will generally use the Office of Hearings (consisting of Administrative Law Judges and established by DOT because of the need for formal hearings in carrying out some functions transferred from the Civil Aeronautics Board under the Airline Deregulation Act of 1978), and the staff in the Office of Aviation Enforcement and Proceedings in the Office of the General Counsel will serve as agency counsel.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organization and functions (government agencies).

PART 1—[AMENDED]

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

1. In § 1.45, paragraph (b) is revised to read as follows:

§ 1.45 Delegations to all Administrators.

(b) Except as otherwise specifically provided, each official to whom authority is granted by §§ 1.45 through 1.53, 1.66, and 1.68 may redelegate and authorize successive redelegations of that authority within the organization under that official's jurisdiction.

2. Section 1.68 is revised to read as follows:

§ 1.68 Delegations to Director of Commercial Space Transportation.

The Director of Commercial Space Transportation is delegated authority to—

(a) Carry out the functions assigned to the Secretary by Executive Order 12465 (February 24, 1984) relating to commercial expendable launch vehicle activities.

(b) Carry out the functions vested in the Secretary by the Commercial Space Launch Act (Pub. L. 98-575; October 30, 1984).

Authority: 49 U.S.C. 322.

Issued in Washington, DC, on February 28, 1985.

Elizabeth H. Dole,

Secretary of Transportation.

[FR Doc. 85-5413 Filed 3-5-85; 8:45 am]

BILLING CODE 4910-62-M

¹ MM Docket No. 84-280, 49 FR 45155 (November 15, 1984).

Proposed Rules

Federal Register

Vol. 50, No. 44

Wednesday, March 6, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Proposed Suspension of Certain Provisions for Zante Currant Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking invites comments on suspending a sentence in § 989.67(j) of the marketing order for raisins produced from grapes grown in California. That sentence deals with the pricing of reserve raisins offered to handlers for free use. Suspension of that sentence would apply only to 1984 crop reserve Zante Currants so that the value of handlers' free tonnage inventory of those raisins can be adjusted downward closer to current world price levels, thereby aiding in the marketing of those supplies. The proposal was recommended by the Raisin Administrative Committee, which works with USDA in administering that marketing order.

DATE: Comments must be received by April 5, 1985.

ADDRESSES: Send two copies of comments to the Office of the Docket Clerk, Room 2069, South Building, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5053.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's

Memorandum No. 1512-1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will have an impact on a substantial number of small entities. The net proceeds to equity holders resulting from the sale of reserve Zante Currant raisins under the Raisin Administrative Committee's proposal will be reduced to a point well below the cost of producing raisins. To the extent that such entities are equity holders in the reserve pool, this impact will be proportional to the size of their equities therein. However, it is recognized that the effects of this action on individual entities will vary depending on their financial conditions, but the impact is not expected to be significant. In the long-term, the benefits of becoming more competitive under current marketing conditions should outweigh any adverse short-term impact and result in benefits to both small and large entities. The domestic inventory adjustment to be accomplished through this action will permit an overall price reduction for Zante Currant raisins, enabling the industry to compete more effectively with lower-priced, foreign-produced Zante Currants, and to more aggressively market raisins generally so as to maintain and expand existing domestic markets and develop new markets. With respect to small businesses that are not raisin producers or handlers, the impact of this action is difficult to quantify but is not expected to be significant. To the extent there is an effect on such individuals, it is likely to be positive as a result of increased marketing of raisins at reduced prices.

This proposal would suspend for Zante Currant raisins, through July 31, 1985, the penultimate sentence in § 989.67(j) of the marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). That sentence provides that: "However, such raisins shall not be sold at a price below that which the Committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up

to the time of any offer for sale of reserve tonnage by the Committee, to which shall be added the costs to the equity holders incurred by the committee on account of receiving, inspecting, storing, fumigating, insuring, and holding of said raisins, and including costs of taxes and interests: *Provided*, That where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage raisins or in the prices received by handlers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the Committee."

On June 27, 1984, the Department issued a document suspending the penultimate sentence of § 989.67(j) through July 31, 1985, to help reduce the value of handlers' 1983 crop free tonnage inventory of all raisin varietal types having reserve pools to permit more aggressive marketing and product movement and to help the industry become price competitive with foreign-produced raisins. That suspension was published in the *Federal Register* on June 29, 1984 (49 FR 26708).

Subsequent to that action, a group of raisin producers filed suit in the Federal district court for the Eastern District of California (*Raisin Producers for Fair Marketing, et al. vs John R. Block, et al.*), to enjoin the implementation of that suspension and necessary price adjustments. On July 31, 1984, Judge Price denied the request for injunction relief insofar as it applied to 1983 crop reserve raisins but issued an order enjoining the suspension for the 1984 and subsequent crop year reserves until the Secretary had complied with the applicable provisions of the Agricultural Marketing Agreement Act of 1937, the Administrative Procedure Act, the Regulatory Flexibility Act, or until further order of the district court. The decision of the court prevented the industry from making price adjustments in the value of 1983 crop Zante Currant free tonnage inventory because no reserve was established for that varietal type during the 1983 crop year and because the suspension of the penultimate sentence of § 989.67(j) was blocked with respect to 1984 and later crop year reserves.

A reserve is in effect for 1984 crop Zante Currant raisins and is available to offset the price of the higher valued 1983 crop inventory carried into the 1984 season (held in inventory on July 31, 1984) by the California raisin industry. That inventory totalling 2,551 natural condition tons was valued (producers price) at \$1,150 per ton while the 1984 producer price for the free tonnage portion of the 1984 crop is just over half that amount at \$625 per ton. The proposal would allow the RAC to sell to handlers one ton of 1984 crop reserve Zante Currant raisins at \$100 per ton for each ton of 1983 crop Zante Currant raisins, valued at \$1,150, effectively revaluing those raisins at \$625, and making them competitive with free tonnage from the 1984 crop.

Deliveries of current crop Zante Currant raisins to date this season are in excess of 2,800 tons. The carry-in from the 1983 crop coupled with the 1984 production represent more than a two-year supply of Zante Currant raisins. Free tonnage shipments last year of Zante Currant raisins totalled about 2,262 packed tons and the most recent three-year average shipments was 2,311 tons.

In the absence of this proposal, open price contracting between producers and packers on 1984 crop Zante Currant deliveries was a possibility because of the excess supplies and the inflated value of the 1983 crop inventory. After the Committee's recommendation, packers did not use open price contracting but agreed instead to the aforementioned \$625 per ton price, and have been conducting their marketing operations on the premise that the value of the 1983 crop Zante Currant raisins carried into the 1984 season would be averaged down to the 1984 negotiated free tonnage price.

In recommending this proposal, the Committee recognized that producers would be selling reserve Zante Currant raisins at a price well below production costs. However, the devaluation of the inventory would bring the prices of Zante Currant raisins in line with current marketing conditions, and parallel the price adjustments already made on other California raisins using 1983 crop reserves.

List of Subjects in 7 CFR Part 989

Marketing agreements and orders,
Grapes, Raisins, California.

PART 989—[AMENDED]

Therefore, the proposal is as follows:

§ 989.67 [Amended]

The next to the last sentence in § 989.67(j) is hereby suspended for Zante Currant raisins through July 31, 1985.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 28, 1985.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 85-5399 Filed 3-5-85; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 1007, 1011, 1046, 1093, 1097, 1098, 1102 and 1108

Milk in the Georgia and Certain Other Marketing Areas; Proposed Suspension of Certain Provisions of the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

7 CFR Part and Marketing Area

1007—Georgia

1011—Tennessee Valley

1046—Louisville-Lexington-Evansville

1093—Alabama-West Florida

1097—Memphis, Tennessee

1098—Nashville, Tennessee

1102—Forth Smith, Arkansas

1108—Central Arkansas

SUMMARY: This notice invites written comments on a proposal to suspend the seasonal base-excess plans for paying producers under the above listed orders. The suspension was requested by Southern Milk Sales, a cooperative association that represents producers who are located in areas covered by these marketing orders. The cooperative contends that a suspension of the base-excess plans during the period of March through August 1985 is necessary since a substantial portion of the cooperative's member milk was shipped to other deficit southeastern markets that do not provide for base-excess payment plans. As a result of supplying these markets, producer members of the cooperative have not established bases that reflect their entire production and thus they will have their returns reduced during the base-paying months. The cooperative contends that a reduction of returns, in the absence of a suspension action, will jeopardize the maintenance of an adequate supply of milk during the coming months for these and other southeastern markets.

DATE: Comments are due not later than March 13, 1985.

ADDRESS: Comments (two copies) should be sent to: Dairy Division, AMS,

Room 2968, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: John F. Borovics, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-2089.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on dairy farmers and would not affect milk handlers.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the orders regulating the handling of milk in the aforesaid marketing areas is being considered for the months of March through August 1985.

A. In Part 1007

1. In § 1007.61(a), the words "of September through January".
2. In § 1007.61(a)(5), the words "for the months of September through January".
3. Section 1007.61(b).
4. In § 1007.73(a)(2), the words "or base milk and excess milk".
5. In § 1007.75(a), the words "and the uniform price for base milk".

B. In Part 1011

1. In § 1011.61(a), the words "of July through February".
2. In § 1011.61(a)(5), the words "for the months of July through February".
3. Section 1011.61(b).
4. In § 1011.73(a)(2), the words "or base milk and excess milk".
5. Section 1011.73(d)(3).
6. In § 1011.75(a), the words "and the uniform price for base milk".

C. In Part 1046

1. In § 1046.61(a), the words "of July through February".
2. In § 1046.61(a)(5), the words "for the months of July through February".
3. Section 1046.61(b).
4. In § 1046.73(b), the words "or base milk and excess milk".
5. Section 1046.73(d)(3).
6. Section 1046.73(e)(3).
7. In § 1046.75, the words "and the uniform price" and "base".

D. In Part 1093

1. In § 1093.61(a), the words "of August through February".