

US EPA ARCHIVE DOCUMENT

[FRL-3414-6]

Babb Drum Site; Proposed Settlement**AGENCY:** Environmental Protection Agency;**ACTION:** Notice of Proposed Settlement.

SUMMARY: Under section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has agreed to settle claims for response costs at the the Babb Drum Site, Little Chicago, South Carolina. EPA will consider public comments on the proposed settlement for thirty days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Ms. Rosalind Brown, Life Scientist, U.S. EPA, Region IV, Investigations and Cost Recovery Unit, Investigation Support Section, Site Investigation and Support Branch, Waste Management Division, 345 Courtland Street, NE., Atlanta, Georgia 30365, 404/347-5059.

Written comments may be submitted to the person above by August 15, 1988.

June 24, 1988.

Greer C. Tidwell,
Regional Administrator.

[FR Doc. 88-15927 Filed 7-14-88; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3414-4]

Public Hearing on Proposed 404(C) Determination To Withdraw, Deny, or Restrict the Specification or Use of Portions of Hurricane Creek Floodplain and Portions of Unnamed Tributaries of Hurricane Creek

AGENCY: U.S. Environmental Protection Agency (EPA).**ACTION:** Notice of Proposed Section 404(c) Determination and Notice of Public Hearing.

SUMMARY: EPA Region IV is proposing to take action under Section 404(c) of the Clean Water Act (CWA) to prohibit deny, or restrict specification or use of certain Hurricane Creek area waters near the City of Alma in Bacon County, Georgia, as a disposal site for dredged or fill materials in connection with construction of Lake Alma, a proposed 1,400-acre recreational lake project. The waters of the United States which are subject to the proposed 404(c) action include a segment of Hurricane Creek extending 7.2 miles upstream of a point

approximately 4,000 feet south of Georgia Highway 32 (the planned location of the main Lake Alma dam), certain unnamed tributaries flowing into Hurricane Creek, and the wetlands lying adjacent to both the creek segment and these tributaries. This section 404(c) determination is being proposed because EPA Region IV has reason to believe that filling and inundating the above-described waters, including wetland, would have an unacceptable adverse effect on wildlife habitat. In accordance with EPA regulations at 40 CFR 231.4, the Regional Administrator has decided that a hearing on this proposed 404(c) determination would be in the public interest.

Purpose of Public Notice

The Regional Administrator of Region IV is giving notice of this proposed Section 404(c) action and of a public hearing to consider the action. EPA Region IV is soliciting information and observations about whether filling or inundating the above-described Hurricane Creek waters, including wetlands, would have an unacceptable adverse effect on wildlife habitat.

Hearing Date

August 30, 1988, beginning at 7:00 P.M.

Hearing Location

Bacon County High School
Gymnasium, 202 East Fourth Street,
Alma, Bacon County, Georgia.

Comments may be submitted prior to the hearing or presented orally and/or in writing at the hearing. The hearing record will remain open after the hearing until close of business September 13, 1988, for receipt of written comments. Written comments or requests for copies of the proposed determination may be submitted to EPA Region IV's designated Record Clerk, Suzanne Potter, Office of Congressional and External Affairs, EPA, 345 Courtland Street, Atlanta, Georgia 30365, (404) 347-3004. Comments should directly address whether EPA Region IV's proposed determination should become the Agency's final determination or whether corrective action could be taken to reduce the adverse impact of the discharge. All such comments will be considered by EPA Region IV in reaching a decision either to withdraw the proposed determination or make a recommended determination to prohibit, deny, or restrict the specification or use of all or portions of the Hurricane Creek floodplain and tributaries as disposal sites for reservoir construction. Any recommendation from Region IV together with the administrative record

will be forwarded to the EPA Assistant Administrator for Water in Washington, DC, for review and the final determination. The procedures to be used in making the final determination are specified at 40 CFR 231.6.

Copies of all comments submitted in response to this notice will be available for public inspection during normal working hours (8:00 a.m. to 5:00 p.m.) at the EPA, Region IV office in Atlanta.

Individuals with handicaps requiring special assistance at the public hearing should contact Ms. Suzanne Potter at (404) 347-3004 by August 10, 1988, so that reasonable accommodations may be made.

Hearing Procedures

a. The Regional Administrator of EPA, Region IV has designated the Deputy Director of the Region's Water Management Division, Mr. Al J. Smith, to be the Presiding Officer at the hearing.

b. Any person may appear at the hearing and submit oral and/or written statements or data and may be represented by counsel or other authorized representative. Any person may present written statements or recommendations to be included in the hearing file prior to the time the hearing file is closed to public submissions. The Presiding Officer will afford the participants an opportunity for rebuttal.

c. The Presiding Officer will establish reasonable limits on the nature, amount, or form of presentation of documentary material and oral presentations. There will be no cross examination of any hearing participant. Because it appears likely that a number of persons may want to make oral statements during the limited time available for this hearing, those persons wishing consideration of lengthy statements should be prepared to submit them in writing.

d. The hearing file will be open for submission of written comments until close of business on September 13, 1988.

Supplemental Information and Background*A. Section 404(c) Procedure and Criteria*

Under Section 404 of the CWA (33 U.S.C. 1251 *et seq.*), any person who proposes to discharge dredged or fill material into the waters of the United States, including wetlands, must first obtain a permit from the Secretary of the Army, acting through the Chief of Engineers. However, CWA Section 404(c) authorizes the EPA Administrator to prohibit or restrict such permitting within any area defined by him if he determines after notice and opportunity

for public hearing that discharges of dredged or fill material there would have an unacceptable adverse effect on municipal water supplies shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. EPA's procedures for implementing Section 404(c) are set forth in 40 CFR, Part 231.

Under § 231.3 of the regulations, Section 404(c) proceedings begin when the Regional Administrator issues a proposed determination that a site should be prohibited, withdrawn, or restricted for use as a disposal site because of unacceptable adverse environmental effects. This proposed determination does not represent a judgment that discharge of dredged or fill material will result in unacceptable adverse effects; it merely means that the Regional Administrator believes that the issue should be explored. The Regional Administrator then consults with the Corps; if no corrective actions are agreed upon, he issues a public notice, inviting public comments on the proposed determination. The Corps has agreed that if there is a permit application pending, such notice will serve to stay its issuance of the permit.

If there is enough interest, the Regional Administrator or his designee holds a public hearing under § 231.4 to supplement the public comments. After the comment period and the hearing, if one is held, the Regional Administrator or his designee reviews the information available to him and decides whether to withdraw his proposed determination to prohibit, restrict or withdraw a site. If he withdraws the proposed determination, he gives public notice of that step, and the matter drops (unless the Administrator decides to review).

Otherwise the Regional Administrator or his designee sends a "recommended determination," and the record on which it was based, to the Administrator for a final determination." The Administrator or his designee then reviews that material, and makes a final determination whether a discharge of dredged or fill material will result in unacceptable adverse effects warranting a prohibition or restriction of the disposal site. This determination and reasons therefore are then made public. These regulations define "unacceptable adverse effect" in 231.2(e) as:

Impact on aquatic or wetland ecosystem which is likely to result in significant degradation of municipal water supplies or significant loss of or damage to fisheries, shellfishing, or wildlife habitat or recreation areas. In evaluating the unacceptability of such impacts, consideration should be given

to the relevant portions of the Section 404(b)(1) Guidelines (40 CFR Part 230).

The preamble to 40 CFR Part 231 explains that one of the basic functions of section 404(c) is to police the application of the Section 404(b)(1) Guidelines. Those portions of the Guidelines relating to significant degradation of waters of the United States (40 CFR 230.10(c)), as well as consideration of cumulative impacts (40 CFR 230.11(g)), are of particular importance in the evaluation of the unacceptability of environmental impacts in this case. Section 230.10(c) of the Guidelines requires that no discharge of dredged or filled material shall be permitted that contributes to significant degradation of waters of the United States. § 230.10(d) requires that no discharge of dredged or fill material shall be permitted unless appropriate steps have been taken which will minimize potential adverse impacts. Within the decision-making process, § 230.11(g) requires that the permitting authority collect, analyze, consider, and document information relevant to cumulative impacts resulting from the subject action. Thus, it is appropriate under Section 404(c) to take into account whether significant degradation of waters of the United States will occur as a result of individual and/or cumulative fill activities and whether appropriate steps have been taken to minimize adverse impacts.

The Administrator's Section 404(c) authority may be used either to veto a permit which the Corps has determined it would issue (as in the case of the mitigation application described below) or to withdraw an issued permit (as in the case of the 1981 permit for the reservoir construction noted below). Under his Section 404(c) authority, the Administrator may totally prohibit all discharges of dredged or fill material in a defined area or he may impose some partial prohibition, such as a restriction on discharges from a particular type of activity. This proposed Section 404(c) determination is limited to a prohibition on discharges resulting from lake and reservoir construction for the above mentioned sites.

B. Nature of Proposed Discharge (Project Description).

As indicated above, the discharges being proposed are intended to create a recreational lake covering some 1400 acres by means of damming Hurricane Creek and thereby causing the flooding of adjacent tributary and wetland areas. In November 1981, the Corps of Engineers issued Section 404 Permit No. 074 OYN 003752 to the applicant, City of

Alma/Bacon County, for discharges required for construction of an earthen dam and spillway. This permit authorized the discharge of 412,000 cubic yards of fill material into Hurricane Creek and its adjacent wetlands to create Lake Alma. The placement of fill and the resultant impoundment would have destroyed or inundated approximately 1200 acres of floodplain wetlands and other waters.

Construction of the proposed lake was delayed, however, by a 1983 decision of the Eleventh Circuit Court of Appeals. This decision held that a Supplemental Environmental Impact Statement (SEIS) was required to evaluate the impacts of the proposed "greentree reservoirs" plan which had been developed to mitigate some of the adverse effects of lake construction (see "Project History" section below). After completion of this SEIS, the Corps of Engineers indicated its intent in May of this year to issue a second Section 404 permit to the City of Alma/Bacon County (Application No. 074 OYN 006129) authorizing additional discharges needed to implement this mitigation plan.

This second permit would allow discharge of an additional 99,030 cubic yards of fill material for the purposes of constructing 14 earthen dams and an emergency access road. The proposed dams would create 14 greentree reservoirs (forested impoundments) with an aggregate surface area of approximately 194 acres in tributaries to Hurricane Creek. The purpose of the impoundments would be to provide partial mitigation for habitat losses that would result from impounding Hurricane Creek. The construction of these 14 greentree reservoirs would enhance approximately 137 acres of existing wetlands and create 23 acres of new wetlands, primarily to attract waterfowl. Additional habitat improvement is planned for the upland portions (714 acres) of the project site. However, 35 acres of existing wetlands would be filled or flooded by the greentree reservoirs and an additional .5 acre would be filled during construction of the emergency access road. Implementation of the mitigation plan would entail the net loss or degradation of 12.5 acres of existing wetlands.

C. Characteristics and Functions of the Project Site.

Hurricane Creek, located in the Georgia coastal plain, is part of the Satilla River drainage system. The Creek drains a 228 square mile watershed which has been developed primarily for farming and forestry. The 1,000- to 2,000-foot wide floodplain is

well defined but not deeply incised into the constituent sands and abundant organic matter. The main channel is often braided with three or four separate channels. Where the channel is defined it has an average width of 40 to 60 feet and a depth of 2 to 3 feet. Deeper pools retain water even during no-flow conditions. Mean daily flow in Hurricane Creek is estimated at 112 cubic feet per second (cfs); however, flows range from 0 cfs during extended droughts to peak flows of 4450 cfs (1953) or greater during storm events. The creek contains a diverse fish community (25 species) and a supporting snag and drift macroinvertebrate community.

The proposed Lake Alma site encompasses approximately 1350 acres of bottomland hardwoods, e.g., forested floodplain areas including the bay swamp community in the Hurricane Creek floodplain and branch swamp communities in the drainageways to Hurricane Creek. The wetlands along this 7.2 mile reach of the Creek are relatively undisturbed. As such, they provide high quality, diverse habitat for fish and wildlife, a travel corridor for upland and wetland animals, food web production for on-site and downstream biological communities, nutrient and pollutant uptake and assimilation, floodwater storage, and flow moderation. Additionally, they serve as an environment for outdoor activities including fishing, hunting, and bird watching as well as other nature-oriented activities.

The major floodplain plant communities include nearly mature bay swamp and branch swamp associations. The bay swamp community is located in the main floodplain of Hurricane creek where soils consist primarily of alluvial deposits. The community is characterized by broadleaf evergreen and deciduous hardwood species that are adapted to periodic inundation. Overstory trees include sweetbay, loblolly bay, swamp redbay, red maple, swamp blackgum, sweetgum, water oak, cypress, ogeechee plum, and black willow.

The branch swamp communities are located in the drainageways leading to the main floodplain. They are similar in composition to the bay swamps but have a greater number of deciduous trees and shrubs and more abundant understory vegetation. Understory vegetation includes sweetpepper bush, greenbriar, honey suckle, privet, saw palmetto, muscadine, and wildgrape. Pitcher plant bogs are located at the edge of the floodplain at sites where seepage from adjacent uplands occurs. The bogs contain trumpet pitcher plant

and hooded pitcher plant which are classified as threatened within the State of Georgia. Adjacent to the floodplain are less diverse plant associations including sandhill, upland pine, pine plantation, and cleared or abandoned fields.

The forested wetlands which would be lost to project construction are part of an intact, functioning system that has specifically adapted to the pulsed hydrologic regime of Hurricane Creek and its tributaries. A variety of contiguous habitats are created within the floodplain by natural fluctuations in water levels including forested wetlands, braided stream channel, remnant pools, hummocks, and floodplain-upland interface. This segmentation of the environment allows the bottomland hardwoods to support aquatic, semiaquatic, and terrestrial animal communities. Vertical stratification of the forest canopy, subcanopy, and ground cover also contributes to habitat diversity. Hence, the floodplain is used by fish and wildlife as a resting, breeding, rearing, and feeding area as well as a travel corridor in an area surrounded by low quality wildlife habitat such as urban, agricultural, and pine plantation areas.

In fact, the bulk of primary (plant) and secondary (animal) production is accomplished during the seasonal inundation of the creek swamp floodplain. Further, leaf biomass produced by the trees and shrubs provides the trophic basis for the diverse fish and wildlife communities both on the project site and downstream. The mixed hardwood tree community within the proposed project site is conducive to a diversity of wildlife because the tree species have various periods of fruition resulting in staggered mast (acorn and seeds) and fruit production. This makes food available for a variety of wildlife throughout the year. As these trees mature, their habitat value and food production will increase.

Wetlands in Hurricane Creek play a role in maintaining and/or improving water quality, as well as regulating water quantity. Pollutants from agricultural, silvicultural, and urban activities in the watershed are trapped, assimilated, or transformed within the diverse substrates and microclimates provided by the wetlands. Water temperatures in the creek and remnant pools are modulated by the shading effects of the forest canopy. Wetland trees and shrubs retard floodwaters, which are temporarily stored in the floodplain. This situation tends to decrease downstream flood stages.

During drier times of the year, water stored in the spongy organic substrate of the wetlands is released, contributing to stream base flows.

As noted, creek swamps such as this gum-bay-maple assemblage are among the most productive wildlife habitats in the coastal plain. Moreover, they are becoming increasingly valuable due to the rate at which these freshwater forest communities are being lost in the Southeast through agricultural/silvicultural development, drainage projects, and impoundments. By recent estimates, over 7,300 acres of wetlands, mostly freshwater types, are being destroyed each year in the State of Georgia. Hence, the impacts of the Lake Alma Project cannot be viewed in isolation.

D. Adverse Impacts of Permit Issuance

Constructing the main dam, clearing the floodplain, and impounding Hurricane Creek to create an artificial lake will destroy or inundate a 1,350-acre section of a productive floodplain forest and blackwater creek system. This loss represents approximately 35 percent of the total wetlands in the Bacon County portion of the Hurricane Creek watershed. Virtually all of the diverse forested habitat that now exists in the 7.2 mile reach of the floodplain will be destroyed. The proposed Lake will physically eliminate all of the forest-stream-pool habitat and the floodplain community which has adapted to periodic flooding. Wetlands immediately downstream from the dam would be partially dewatered by the proposed structure. Succession to more upland plant communities may eventually occur. Depending on the Lake discharge regime, floodplain wetlands further downstream may be similarly affected. Reduction of detrital export will reduce overall productivity and/or alter species composition of downstream animal communities.

The dam and Lake will permanently block the Hurricane Creek floodplain. Since the floodplain functions as a travel corridor for wildlife, this would disrupt animal and fish movement patterns. Animals currently living on the Lake site or migrating through it will either be killed or forced into adjacent lower quality, upland habitat. There they will have to compete for available food and habitat with the present upland animal communities. This competition may result in temporary disruptions of animal communities and lowered overall population levels, thereby adversely affecting indigenous wildlife.

Although 230 acres of forested wetlands in the upstream end of the proposed reservoir and in several embayments will remain after being selectively timbered (a 75% reduction in tree stems) much of the present wetland value of this area will be destroyed or degraded especially after the remaining trees die from the effects of continuous flooding (3 to 6 foot depth). These areas then will function primarily as scrub-shrub backwater areas of the lake, subject to irregular drawdowns.

The existing forested wetlands will be replaced by a shallow recreational lake with a depth ranging from 3 to 19 feet that contains standing water habitat primarily for fish and bottom dwelling organisms. During the initial few years, the lake should be relatively productive, but thereafter lower productivity may limit its value as a sports fishery.

Moreover, it is anticipated that fish species diversity would decline since the project would transform a stream fishery into a still water lake fishery. Approximately 180 acres at the periphery of the proposed lake may develop aquatic weed growth that could provide some habitat for aquatic and semiaquatic animals, but may limit recreational value of the lake. Anticipated weed control programs—mowing, chemical applications and periodic drawdowns—will reduce the value of this shallow water habitat.

EPA Region IV believes that the destruction of 1,350 acres of relatively undisturbed bottomland hardwoods may constitute significant degradation of the waters of the United States. Forested wetlands and the valuable fish and wildlife habitat they provide have been rapidly declining in the Southeast during the last four decades. On the other hand, upland habitat, such as lakes, reservoirs, ponds, and mining pits, has increased. The anticipated wetlands loss represents a substantial portion of the wetlands in the Hurricane Creek watershed and is regionally significant. While the possibility of unacceptable wildlife habitat losses serves as the primary basis of this proposed 404(c) termination, EPA Region IV has other concerns about the proposed project. These include the effects of nutrient loadings from the Hurricane Creek watershed on water quality in the proposed Lake, especially during warm season, low flow periods; the effects of aquatic weed growth/die-out cycles on water quality and the recreational value of the Lake; and the effects over the long-term on downstream wetlands and stream communities from changes in flood regime and detrital export. A mitigation plan has been developed which includes: (1) The construction of

14 small greentree reservoirs (194 acres of forested impoundments) in drainageways adjacent to and upstream from the lake site, (2) tree plantings, and (3) a water management scheme to periodically flood and drain the reservoirs. These forested impoundments are designed primarily to enhance or create water fowl habitat, although other wildlife will also benefit.

Construction of the greentree reservoirs and an access road would destroy or permanently flood 35 acres of existing forested wetlands in the drainage ways. Only 23 acres of new wetlands would be created. The greentree reservoirs would have to be managed regularly and, almost certainly, would require a rigorous beaver and muskrat control program to keep them functioning. Mast producing trees will be planted in the greentree reservoirs to improve food supplies for wildlife. However, these benefits will not be realized fully until the trees reach maturity many years after planting.

The 194 acres of habitat which the greentree reservoirs would either create or enhance represent only a very small portion of the wildlife habitat which the project would destroy. According to a 1978 Habitat Evaluation Procedure (HEP) conducted by the U.S. Fish and Wildlife Service, only 13 percent of the wetland habitat units lost by lake construction would be replaced by the mitigation plan. Most of the other functions and values of the forested floodplain wetlands, e.g., leaf litter export and travel corridor, etc., would not be replaced and would be irreparably lost. Although 714 acres of upland habitat surrounding the reservoir would be enhanced as part of the mitigation proposal, the enhancement of uplands will not replace any wetland habitat or other wetland functional losses associated with Lake construction. Based on current information/data, EPA believes that it may not be possible to mitigate for the loss of a 7.2 mile long floodplain corridor and its attendant functions and values.

E. Project History

On December 15, 1976, the final EIS on Lake Alma construction was published. EPA rated the project unsatisfactory based on its significant environmental impacts on wetlands and water quality, and referred the project to the Council on Environmental Quality (CEQ). On June 10, 1977, the Chairman of CEQ in letters to the applicant, City of Alma/Bacon County, and to the Department of Housing and Urban Development (HUD) concurred with EPA's position that the project would result in serious environmental degradation. CEQ

recommended to HUD that project funds should be reprogrammed to more environmentally acceptable projects.

On January 16, 1978, EPA Regional Administrator John White recommended that the Corps of Engineers deny a Section 404 permit for the lake project based on its nonconformance with 404(b)(1) guidelines, EPA's wetland policy, Executive Order 11990, and the expected adverse water quality impacts. U.S. Fish and Wildlife Service (FWS) and Bureau of Outdoor Recreation also recommended denial of this permit.

In 1978, FWS initiated studies to determine the mitigation necessary to offset the habitat losses resulting from the project. The report concluded that 7426 acres of wooded swamp would have to be managed intensively to compensate for these losses. Since this was considered impractical, FWS prepared a mitigation plan to mitigate some of the habitat losses. Based on the applicant's acceptance of this proposed plan, the FWS withdrew its objections to permit issuance in November, 1978. On November 15, 1979, CEQ reviewed the proposed mitigation plan and found it provided inadequate compensation. It then reaffirmed its earlier determination regarding the environmental unacceptability of the Lake Alma Project.

On August 8, 1980, EPA Assistant Administrator E.C. Beck requested review of the Savannah District Engineer's favorable permit decision by the Assistant Secretary of the Army under the MOA per Section 404(q). However, on October 9, 1981, EPA Administrator Ann Gorsuch in a response to a letter from Assistant Secretary of the Army William Gianelli withdrew EPA's objections to permit issuance. Accordingly, on November 10, 1981, the Corps issued Army Permit No. 074 OYN 003752 for the construction of the dam for Lake Alma. The permit stipulated the development of mitigation based on the FWS Plan.

On December 19, 1983, the Eleventh Circuit Court of Appeals determined that a Supplemental EIS would be required to evaluate the impacts of the plan prior to the Corps 404 permit action required for construction of the greentree reservoirs. The court also enjoined lake construction pending completion of the Supplemental EIS.

In January and April 1986, EPA Region IV recommended that the Corps evaluate the impacts of the entire (Lake/mitigation plan) project in the Supplemental EIS. Region IV also stated it intent to consider the total project in the reviewing process. On April 4, 1986, Regional Administrator Jack E. Ravan

recommended denial of the Section 404 permit for the mitigation project as part of the unacceptability of the overall project. In January and November 1987, Region IV's comment letters on the Supplemental EIS reaffirmed a position opposing the project, and stated that if the Corps decided to issue the Section 404 permit then EPA would seriously consider 404(c) action.

On March 25, 1988, Regional Administrator Greer C. Tidwell met with representatives from the State of Georgia Department of Natural Resources, the Corps, and FWS to discuss EPA's objections to the project. Regional Administrator Tidwell also met with representatives from the City of Alma and Bacon County on May 9, 1988, to tour the project site.

After receiving the Corps May 27, 1988, letter stating the Savannah District Engineer's intent to issue a Section 404 permit for the Lake Alma mitigation, Regional Administrator Tidwell notified the Savannah District Engineer, the City of Alma, and Bacon County, on June 8 that he would initiate Section 404(c) proceedings covering the entire project site unless it was demonstrated to him within 15 days that no unacceptable adverse effects would be caused by the project. After considering a June 15, 1988 letter from the Savannah District Engineer, Colonel Ralph V. Locurcio, restating the Corps' position that construction of Lake Alma would serve the public interest, the Regional Administrator initiated the action made subject of this notice.

FOR FURTHER INFORMATION CONTACT: Frank M. Redmond, Chief, Wetland Coastal Programs Section, Water Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Greer C. Tidwell,

Regional Administrator.

[FR Doc. 88-15929 Filed 7-14-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. CL-88-130]

Common Carrier Public Mobile Services Information; Dates and Filing Requirements Announced for Acceptance of Applications for Block 5 Cellular RSAs

June 24, 1988.

During the months of August and September, 1988 applications for Block 5 cellular RSAs will be accepted for filing.

Specific filing dates and markets appear on pages 5 and 6 of this notice.

All applications for these markets must be filed in Pittsburgh, Pennsylvania. Applications sent via U.S. Postal Service must be addressed as follows: Federal Communications Commission, Cellular Telephone—Market No. (ENTER MARKET NUMBER), P.O. Box 371995M, Pittsburgh, PA 15250-7995.

Applications shipped via common carrier or hand carried must be brought to the following address between the hours of 8:30 a.m. and 5:00 p.m.: Federal Communications Commission, Cellular Telephone Filing, Strip Commerce Center, 28th and Liberty Avenue, Pittsburgh, PA 15222.

Directions to the Strip Commerce Center filing location appear on page 4 of this notice.

Note.—If the number of applications filed in the previous block of RSAs is excessive, these dates may be modified. If this is necessary a new public notice will be issued.

Format of Applications

Applications must consist of: (1) A completed transmittal sheet, a copy of which is attached hereto (see also page 4); (2) a \$200 fee; and (3) a sealed 5" x 7.5" envelope containing two microfiche copies of the application.

The two microfiche copies of each application shall be prepared in accordance with § 22.913(c) of the Commission's rules.

- Each fiche must be labeled at the top with the Applicant's Name, Market Number, Market Name, and Frequency Block. For Example: Jones, Robert Market # 336 California 1—Del Norte Frequency Block A

- One microfiche jacket must be labeled "Original" and the other jacket must be labeled "Copy".

- The fiche must be black & white (the purple or blue fiche are unacceptable as they do not produce readable paper copies), and the "original" microfiche copy must be archival quality.

- The information required by § 22.913(b)(2) must be placed on the 5" x 7.5" microfiche envelope. The 5" x 7.5" microfiche envelope, therefore, must be clearly labeled with the Applicant's Name, Market Number, Market Name, and Frequency Block.

- The information on the microfiche envelope must match the information on the transmittal sheet.

- The completed transmittal sheet, the \$200 fee and the microfiche envelope must be placed in a 9" x 12" envelope. The market number of the market being applied for must be placed in the lower left hand corner of all envelopes

delivered to the Strip Commerce Center facility.

The certification required under § 22.913(b)(3) is included on the transmittal sheet and will no longer be the first page in the application itself. The applicant chosen in each market will be required to submit its original application and two copies thereof within seven (7) days of the public notice announcing the winning applicant in each market.

Receipt Copies

Applicants wishing stamped receipts must provide an additional copy of the transmittal sheet for each application submitted.

- Such applications that are mailed or shipped via common carrier must contain a self-addressed business-sized (approximately 4.5" x 9.5") stamped envelope along with the extra copy of the transmittal sheet. Both the extra copy and the envelope must be attached to the application inside the 9" x 12" outer envelope.

- Applications that are hand delivered must not include the receipt copy of the transmittal sheet inside the outer envelope. The receipt copy shall be presented to the acceptance clerk with the 9" x 12" envelope containing the application and will be stamped at that time.

Points to Remember

1. Each application, with associated material (transmittal sheet, check or money order, and 5" x 7.5" microfiche envelope) must be separately packaged in a 9" x 12" outer envelope.

2. A separate \$200 fee must be submitted with each application.

3. A separate completed transmittal sheet is required with each application.

4. The label on the microfiche envelope must agree with the information on the transmittal sheet and the information on the top of each fiche.

5. The transmittal sheet must be signed in ink (preferably not black ink).

6. No extraneous material (such as transmittal letters) should be submitted; it will only serve to impede the processing of the application.

7. The market name and market number must match.

8. A single check or money order in the amount of \$200 (made payable to the Federal Communications Commission) must be included. Cash is strongly discouraged.

9. For applications sent via the U.S. Postal Service, the market number of the market being applied for must appear at the end of the second line in the address.