

requirements described above within 18 months from such designation.

V. Request for Public Comment

EPA is, by this notice, proposing that the PM-10 designation for Kootenai County, excluding the area within the exterior boundaries of the Coeur d'Alene Indian Reservation, be revised from unclassifiable to nonattainment. On September 22, 1992, EPA previously provided notice and opportunity for public comment on a proposed PM-10 nonattainment designation for the City of Coeur d'Alene, which is located within Kootenai County (see 57 FR 43846). In response to comments from the State of Idaho on that proposal, EPA is now providing an additional opportunity for public comment on the expansion of the boundaries to include all of Kootenai County, excluding the area within the exterior boundaries of the Coeur d'Alene Indian Reservation. EPA is requesting public comment on all aspects of this proposal including the appropriateness of the proposed designation and the scope of the proposed boundary. Written comments should be submitted to EPA at the address identified above by March 13, 1995.

VI. Administrative Review

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare for proposed rules subject to notice and comment rulemaking an initial regulatory flexibility analysis describing the impact of the proposed rule on small entities. 5 U.S.C. 603-604. The requirement for preparing such analysis is inapplicable, however, if the Administrator certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities (see 5 U.S.C. 605(b)). Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

The redesignation proposed in this notice does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. To the extent that the State must adopt new regulations, based on an area's nonattainment status, EPA will review the effect those actions have on small entities at the time the State submits those regulations. The Administrator certifies that the approval of the redesignation action proposed today will not have a significant economic

impact on a substantial number of small entities.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this action from Executive Order 12866 review.

Authority: 42 U.S.C. 7401-7671g.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: December 28, 1994.

Chuck Clarke,

Regional Administrator.

[FR Doc. 95-699 Filed 1-10-95; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 21, 94, and 101

[WT Docket No. 94-148; FCC 94-314]

Microwave Fixed Radio Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: By this action, the Commission proposed to simplify the rules for the common carrier and private operational fixed microwave services that are currently contained in separate Parts of the Commission's Rules, and to consolidate those rules into a new Part. The key objectives of this action are to restructure the fixed microwave rules so that they are easier for the public to understand and use, to conform similar rule provisions to the maximum extent possible, to eliminate redundancy, and to remove obsolete language from the Commission's Rules. The Commission is also reviewing the need for and impact of certain regulatory requirements and policies for the common carrier and private operational fixed microwave services.

DATES: Comments must be submitted on or before February 3, 1995. Reply comments must be submitted on or before February 21, 1995.

FOR FURTHER INFORMATION CONTACT: Robert James, Wireless Telecommunications Bureau, (202) 634-1706.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of

Proposed Rulemaking in WT Docket No. 94-148, FCC 94-314, adopted December 9, 1994, and released December 28, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision also may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street NW., Washington, DC 20037.

Summary of the Order

1. Common carrier microwave services and private operational fixed microwave services share many of the same frequency bands and use substantially the same equipment. As a result of recent changes that are discussed below, the interference standards, antenna standards, and coordination procedures for private and common carrier fixed microwave services have further converged. This rulemaking is an effort to conform filing, processing, operational, and technical requirements for services that are technically similar and, thereby, to gain significant economies and alleviate confusion to the public.

2. Communications services that use the microwave spectrum for fixed services include common carriers (currently regulated by Part 21 of the FCC Rules), common carrier multiple address systems (Part 22), broadcasters (Part 74), cable TV operators (Part 78), and private operational fixed users (currently regulated by Part 94). The radio frequency spectrum is allocated among these services on either a shared or an exclusive basis. When different service users have similar needs, they are sometimes required to share spectrum bands.

3. Of the services listed above, the common carrier and private operational fixed microwave users are the most similar in technical requirements and share the most frequency bands. The convergence of the common carrier and private operational fixed microwave technical standards has occurred over the last decade as a result of several rulemaking proceedings. See Second Report and Order in GEN Docket No. 79-188, 48 FR 50322 (1983); Third Report and Order in GEN Docket No. 82-334, 52 FR 07136 (1987); Third Report and Order in GEN Docket No. 82-243, 56 FR 34149 (1991); and First Report and Order in PR Docket No. 83-426, 50 FR 13338 (1985). Recently, a further convergence of these two services occurred as a result of the reallocation of five bands above 3 GHz

on a co-primary basis to the common carrier and private operational fixed microwave licensees that are relocating from the 1850–1990, 2110–2150, and 2160–2200 MHz bands (2 GHz bands) to accommodate Personal Communications Services (PCS) and other emerging technologies. See Second Report and Order in ET Docket No. 92–9, 58 Fed. Reg. 49220 (1993). Although the emerging technologies proceeding resolved all the technical issues necessary for this reallocation, there were other technical matters raised in the proceeding, which were not considered critical to the 2 GHz microwave users' relocation to other regions of the spectrum, that were left to be settled in a future proceeding.

4. Also, as a result of the emerging technologies spectrum reallocation and the resulting increase in frequency band-sharing, common carrier and private microwave industry members have united to develop joint interference standards and coordination procedures. For over a year, a subcommittee of the Telecommunications Industry Association's Fixed Point-to-Point Microwave Engineering Committee (TIA TR14.11 Interference Criteria Engineering Subcommittee) has held joint meetings with the National Spectrum Managers Association (NSMA), a group of frequency coordinators for Part 21 applicants, to determine interference criteria for Part 21 and Part 94 users. This collaboration has resulted in a revised TIA Telecommunications Systems Bulletin TSB 10–F, "Interference Criteria for Microwave Systems," (TSB 10–F) which was adopted by the microwave industry on May 31, 1994. Representatives from both the TIA fixed microwave group and the NSMA have met with Commission staff to discuss the benefits of common technical standards, processing procedures, and consolidated rules for common carrier and private operational fixed microwave users.

5. Another factor necessitating this proceeding is that the majority of the license application processing for the Part 21 and Part 94 microwave services is now being handled by the Wireless Telecommunications Bureau's Licensing Division in Gettysburg, Pennsylvania. Because the application processing for these services was formerly performed by different Commission offices, the processing practices and policies differed. See Public Notice, "New Application Processing Practices in the Common Carrier Point-to-Point Microwave and Broadcast Auxiliary Services," DA 93–77, January 27, 1993,

8 FCC Rcd. 775, (1993). This proceeding seeks to bring uniformity to the fixed microwave application processing procedures.

6. The Part 21 and Part 94 rules need to be consolidated, conformed, and updated to allow the microwave industry to operate as efficiently as possible without being hampered by obsolete regulations. Because of the commonality of major portions of the existing common carrier and private operational fixed microwave rules and the industry move to create common standards and coordination procedures, we believe it would be beneficial to consolidate these rules into one comprehensive part. At the same time, this proceeding provides us with an opportunity to improve the organization of the microwave rules, to simplify them, to eliminate unnecessary language, and to make other substantive amendments.

We expect that a new consolidated Part 101 will result in major benefits. First, the public will benefit because of a much simplified and streamlined licensing process. Second, the improvements in processing efficiency will save scarce Commission resources and free staff time to improve service to the public. Third, we expect the proposed rules to encourage more efficient use of the microwave spectrum. Finally, common technical standards for common carrier and private microwave equipment may lead to economies of scale in microwave equipment production and, thus, lower equipment prices to users.

7. Proposed Part 101 is approximately 65 percent the volume of the current common carrier and private radio fixed microwave rules. This reduction results from the elimination of repetitive sections such as definitions, application procedures, and processing procedures, the elimination of unnecessary language, and the consolidation of the remaining rules. In the paragraphs below we address the proposed changes for each subpart and section of the rules, other than proposed changes that are editorial in nature or that concern only renumbering of existing rule language.

8. We welcome comments on whether the scope of our consolidation effort is appropriate. We ask that comments identify the subject of their remarks, whenever possible, by citing the proposed section number of a rule (with cross-reference to the old rule as necessary). This identification will expedite and simplify our review of the comment on the many proposals contained in this Notice.

General Requirements

9. *Definitions.* We propose to make minor editorial changes in the definitions where appropriate. In instances where a definition now appears in more than one rule section and is phrased inconsistently, we propose to use the phrasing that we believe to be the most precise. In cases where a definition appears in Part 2 of the Rules as well as in another part, the proposed Part 101 definition adopts the Part 2 definition in order to conform with either the International Telecommunication Convention or the international Radio Regulations. Additionally, we propose to change the name and all relevant terms related to the Private Digital Termination System service to match the name and terms of the identical Common Carrier Digital Electronic Message Service. See proposed Section 101.3.

Applications and Licenses

10. *General Application Requirements.* We propose to eliminate several application showings that are currently required of common carrier microwave applicants under Part 21 of the rules, but which are not essential for processing these applications. We request comments on each of these proposals. First, we propose to eliminate the financial showing required under §§ 21.13(a)(2) and 21.17. Lack of financing has generally not been a problem in the common carrier services being transferred to Part 101, and we consider a certification of financial ability unnecessary in these services. Second, we propose eliminating the public interest showing required under § 21.13(a)(4). We tentatively conclude that the public interest will generally be served by granting applications in these services that meet all the Commission's other rules and requirements, and that separate statement form the applicant pursuant to § 21.13(a)(4) is unnecessary. We also note that the Commission can still request a separate public interest showing if this is deemed necessary in any particular case. Third, we propose eliminating the requirement that applicants submit a copy of any franchise or other authorization when such authorizations are required by local law. See § 21.13(f). We request comments on whether we should replace this application showing with a rule, similar to that contained in Part 22 of the rules, stating that applicants must comply with all local franchise or authorization requirements, obtain any local authorizations by the end of the construction period, and notify the

Commission if local authorization is denied. See § 22.13(f). Fourth, we propose eliminating showings regarding control over the station, see § 21.13(g), and maintenance procedures, see § 21.15(e). We request comments on whether we should replace these showings with a general rule describing a licensee's responsibilities for maintenance and control of the station and requiring that maintenance contracts must be in writing. See § 22.205. We also request comments on whether we should continue to require the address and telephone number of a maintenance center or person responsible for technical operation, see § 21.15(e)(1) and Item 18 of FCC Form 494 ("Application for New or Modified Microwave Radio Station License Under Part 21"), or whether this requirement is unnecessary and should also be deleted. Fifth, we propose to eliminate the vertical profile sketch, see § 21.15(c), and the site availability showing, see § 21.15(a), as these showings are not necessary for processing and lack of site availability has not been a problem in the common carrier services being transferred to Part 101. Sixth, we request comments on whether the public interest showing currently required of applicants in the Point-to-Point Microwave Radio Service pursuant to § 21.706(a) should be retained or deleted. We also propose to allow electronic filing for all fixed microwave services authorized under Part 101 as is currently allowed for private land mobile applications. See proposed Sections 1.743, 1.913, and 101.37. Finally, we request comments on what requirements we should adopt regarding retention or posting of the station license. See *e.g.* §§ 21.201, 22.201, and 94.107.

11. *Licensee Qualifications and Consummation of Assignments and Transfers.* Under Part 21, applicants and licensees are currently required to provide ownership and character information on FCC Form 430 ("Licensee Qualification Report"), see § 21.11(a), and to disclose the real party in interest behind the application pursuant to § 21.13(a)(1). See also § 21.305. We request comment on precisely what ownership (including partnership) and character information we should continue to require of common carrier applicants and licensees under the new Part 101. In addition, under § 21.11 (d), (e), and (f), applicants are required to complete assignments or transfers of control within 45 days of the date of authorization and to notify the Commission within 10 days of

consummation. In the common carrier services being transferred to Part 101, applicants frequently request extensions of time to complete assignments or transfers. Such requests are routinely granted. Based on this experience, we request comment on whether the time for consummation of assignments and transfers should be extended to 360 days or longer, or whether applicants should be allowed merely to notify the Commission of failure to consummate, rather than requiring applicants to file, and the Commission to grant, repeated extension requests. We also propose to eliminate the requirement for common carriers to notify the Commission within 10 days of consummation.

12. *Commencing Operation.* With regard to the requirement for stations to be placed in operation within a certain period after the date of grant, it has been common practice among some applicants to request and obtain a modification of their license and thereby obtain additional time within which to be in operation. Some applicants repeated this procedure several times, thereby extending their operational deadline far beyond the period contemplated by the rules. In response to these perceived abuses, the Commission's Private Radio Bureau Licensing Division issued a Public Notice clarifying that a station must be placed in operation within the time required by current § 94.51 irrespective of whether the licensee had been granted an amendment to its station authorization. We propose to codify this longstanding interpretation of our rule. See proposed Section 101.63.

13. Although current § 94.51 requires that private fixed microwave stations be placed in operation within a time certain, it does not define what constitutes operation for purposes of the rules. In the past, several applicants have argued that the transmission of color bars or other types of strictly test signals satisfies the rule's requirement of being in operation. This interpretation has been uniformly rejected by the staff. Applicants have also argued that the § 94.51 requirement of being in operation is satisfied as long as the station is simply capable of transmitting intelligence. The staff, however, has consistently informed the public that the mere capability of transmission does not satisfy the requirement of being in operation. We are proposing in Section 101.67(d) to make it clear that only the transmission of operational signals is sufficient to satisfy the "in operation" requirement and that neither the capability of transmission nor the transmission of color bars or similar test signals satisfies

the requirement to be in operation. We are proposing to apply this requirement to both private and common carrier fixed microwave users, as the underlying basis for this proposal, efficient spectrum usage, applies equally to both groups. We request comment on whether this requirement is necessary or applicable for common carrier licensees under proposed Part 101.

Technical Standards

14. *Frequency Availability Chart.* A new frequency availability chart has been placed in the proposed rules (proposed Section 101.101) for the convenience of licensees and applicants. In addition to showing the frequency availability for private and common carrier users, it also shows other services, such as broadcast, cable, PCS, MDS, and ITFS, that share the same bands. More specific technical information for the common carrier and private microwave services are contained in rule Subparts G through J.

15. *Coordination Procedures and Interference Standards.* In the Second Report and Order in ET Docket 92-9, the Commission adopted the current Part 21 coordination procedures and the current Part 94 interference standards for the relocated common carrier and private operational fixed microwave users. As stated above and in the Second Report and Order, the common carrier and private microwave industry members have united to develop joint interference standards and coordination procedures. We propose, therefore, to apply the same coordination procedures and interference standards to all bands for both private and common carrier fixed microwave services. In addition, we propose to modify the present coordination procedures and interference protection standards to be consistent with the TIA industry standards. See proposed §§ 101.103 and 101.105.

16. *Transmitter Power Limitations.* In addition to merging the transmitter power table from Parts 21 and 94, we also propose to eliminate the values for maximum allowable transmitter power, while retaining the values for Equivalent Isotropic Radiated Power (EIRP). See proposed § 101.113. We are proposing to allow a maximum EIRP of +55 dBW for all point-to-point microwave bands from 4 GHz to 40 GHz, to allow for increased path reliability on long paths and to set a common standard for all bands. See proposed § 101.113. This proposal is based partly on TIA recommendations. Comsearch also proposed a maximum allowable EIRP of +55 dBW in an earlier

proceeding. Comsearch points out that in Part 25 of the Rules, the terrestrial station EIRP used to determine frequency coordination distance in the 4, 6, and 11 GHz bands is +55 dBW, which corresponds with the International Telecommunications (ITU) Radio Rules and Regulations. The Commission decided not to act on that portion of Comsearch's petition, instead deferring consideration of maximum authorized power, antenna standards, and ATPC to a future proceeding. We seek comment on whether increasing the transmitter power limitations as proposed would have any negative impact on any radio users.

17. *Automatic Transmitter Power Control.* ATPC is a feature of digital microwave radio that automatically adjusts transmitter output power based on path fading detected at the far-end receiver(s). In the emerging technologies/relocation proceeding, commenters proposed that ATPC should be explicitly authorized in the rules. In response, the Commission clarified in the rules that ATPC is permitted up to a 3 dB increase in power and encouraged industry groups to explore in greater detail under what circumstances ATPC should be authorized and whether a greater increase in power than 3 dB would be appropriate. We have reviewed the ATPC guidelines in TSB 10-F and are still uncertain of the necessity of including explicit provisions for its use in the rules. We seek comment on whether it is necessary to have TIA's recommendations for ATPC implementation included in our Rules. TSB 10-F contains provisions for up to three different power level specifications: maximum transmit power, coordinated transmit power, and nominal transmit power. We also seek comment on how these recommendations for ATPC should be implemented under our current licensing scheme, which authorizes only a single operating power level on each license, with that power being the one used in the coordination process. If the use of ATPC as described in TSB 10-F were to be permitted, what changes would the Commission have to make to its forms, licenses, and data base?

18. *Antenna Standards.* All antenna standards for Part 101 services have been consolidated into one rule section (proposed section 101.115). Few substantive changes to the antenna standards are proposed. In the Docket 92-9 proceeding, commenting parties raised concerns about our existing antenna standards, stating that the category A standards should be updated

and that a new detailed definition of congested areas should be specified to maximize efficiency and permit full use of available bands. The Commission does not have sufficient information at this time to propose specific changes to these standards.

Developmental Authorizations

19. We propose to eliminate the general requirement that applicants report on any patents applied for as a result of a developmental authorization. This information is in the public domain when the patent is granted, and our requirement is, therefore, duplicative. We also propose to modify the language concerning the confidentiality of developmental reports to make it consistent with our general rules on requests for confidentiality. The consolidated rules continue the prohibition on providing service for hire with a developmental grant now placed on common carriers and extends the prohibition against commercial operation of a developmental grant to private radio operations.

20. In this Notice, we have proposed to amend the regulations for the common carrier and private operational fixed microwave services by consolidating and simplifying their present rule parts, contained respectively in Parts 21 and 94 of the Commission's Rules, to create a new Part 101. Our specific proposals are contained in the rules appendix. We solicit comment on them. We also invite comment on any additional changes that can make the Commission's microwave rules more "user friendly" and help the staff provide improved service to the public.

21. *Initial Regulatory Flexibility Analysis.* Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

A. Reason for Action

This rulemaking proceeding is initiated to obtain comment regarding consolidation and simplification of the microwave rules not contained in parts 21 and 94 of title 47 of the Code of Federal Regulations.

B. Objectives

This action would reduce redundancy now contained in the rules and remove obsolete rules and language. It would also simplify and clarify the requirements for filing license and other authorization applications, the processing of applications and other requests, and the operation of common carrier and private operational fixed microwave stations.

C. Legal Basis

The proposed action is authorized by Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

D. Description, Potential Impact, and Number of Small Entities Affected

This reorganization and revision of the common carrier and private operational fixed microwave rules will reduce the volume of the rules by approximately 25 percent and make them easier to use and understand. Both the reduction in volume and consolidation of the rule should improve their usefulness as they will be more easily understood by, and save research time for, the public. The benefits would accrue to all interested parties, large and small entities alike. We invite specific comment by interested parties on the likely magnitude of the impact on small radio manufacturers and suppliers.

E. Reporting, Record Keeping, and Other Compliance Requirements

There should be an overall decrease in reporting, record keeping, and other compliance requirements. The use of electronic filing alone should greatly reduce the amount of paperwork required to be filed and increase speed of service.

F. Federal Rules That Overlap, Duplicate or Conflict With These Rules

None.

G. Significant Alternatives Minimizing Impact on Small Entities Consistent With Stated Objectives

The objective of this proceeding is to minimize confusion, research time, record keeping and recording for users of microwave radio frequencies. We are unaware of other alternatives that would be as desirable. We solicit comments on this point.

22. *Other Matters.* This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, provided they are disclosed as provided in the Commission's rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

23. This action is taken pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i) and 303(r).

24. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before February 3, 1995, and reply comments on or before February 21, 1995. All relevant and timely comments will be

considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

List of Subjects

47 CFR Part 1

Administrative practice and procedure, Communications common carriers.

47 CFR Part 2

Communications equipment.

47 CFR Part 21

Communications common carriers, Communications equipment, Radio, Reporting and recordkeeping requirements, Television.

47 CFR Part 94

Communications equipment, Radio, Reporting and recordkeeping requirements.

47 CFR Part 101

Communications common carriers, Communications equipment, Radio, Reporting and recordkeeping requirements, Television.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

[FR Doc. 95-647 Filed 1-10-95; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-455; RM-5899, RM-6223, RM-6224, RM-6225, RM-6226, RM-7111]

Radio Broadcasting Services; Perry, Cross City, Holiday, Avon Park, Sarasota, and Live Oak, FL, and Thomasville, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document grants a Motion for Severance filed by Women in

Florida Broadcasting, Inc. concerning the action in this proceeding upgrading Station WDFL, Channel 292A, Cross City, Florida, to specify operation on Channel 295C1. See 54 FR 30549 (July 21, 1989).

EFFECTIVE DATE: January 11, 1995.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket 87-455, adopted December 27, 1994, and released January 6, 1995. The full text of this Commission action is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this action may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-645 Filed 1-10-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 80

[WT Docket No. 94-153; FCC 94-328]

Designate Prince William Sound as a Radio Protection Area for Mandatory Vessel Traffic Services (VTS)

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed rules to add Prince William Sound to the United States Coast Guard (Coast Guard) designated radio protection areas for mandatory VTS and establish marine VHF Channel 11 as the VTS frequency for Prince William Sound. This action is in response to a request from the Coast Guard. The designation of Prince William Sound as a VTS area will allow the Coast Guard to manage vessel traffic in a more efficient manner.

DATES: Comments must be submitted on or before February 24, 1995; reply comments on or before March 13, 1995.

FOR FURTHER INFORMATION CONTACT: James Shaffer, (202) 418-0680, Private Radio Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making FCC 94-328, adopted December 16, 1994, and released January 3, 1995. The full text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street, NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Summary of Notice of Proposed Rule Making

1. The Coast Guard filed a petition (RM-8199), Public Notice No. 1932, requesting that the Commission amend Part 80 of the Rules, 47 CFR part 80, to add Prince William Sound to the Coast Guard designated radio protection areas for mandatory VTS and establish marine VHF Channel 11 (156.550 MHz) as the VTS frequency for Prince William Sound.

2. As a result of the Oil Pollution Act of 1990, Pub. L. 101-380, 104 Stat. 484, the Coast Guard plans to implement a mandatory Automated Dependent Surveillance (ADS) system for cargo ships, e.g. oil tankers, that operate in Prince William Sound. The ADS will operate as part of the proposed VTS system and is scheduled to begin operation in July 1994. An ADS system works as follows: the vessel determines its position using a highly accurate differential GPS receiver and automatically transmits its position, identification and the time of the position to the Coast Guard using digital selective calling (DSC) techniques on VHF marine Channel 70 (156.515 MHz). The Coast Guard needs Channel 11 to supplement Channel 70 ADS use and for voice VTS communications in support of vessel traffic control operations.

3. Designating Prince William Sound as a VTS area will allow the Coast Guard to manage vessel traffic in that area more efficiently and protect the marine environment by preventing vessel collisions and groundings. We are proposing, therefore, to add Prince William Sound to the Commission's list of designated radio protection areas for VTS systems specified in Section 80.383. The radio protection area will be defined as "The rectangle between North latitudes 61 degrees 17 minutes and 59 degrees 22 minutes and West longitudes 149 degrees 39 minutes and 145 degrees 36 minutes."