

Once studies are complete, EPA may redefine the boundaries of the Charleston Harbor Deepening Project ODMDS through further rulemaking. Such rulemaking could modify disposal activities in the vicinity of the area's resources and reduce the potential for adverse impacts or allowing greater utilization of the site. EPA's primary concern is to provide an environmentally acceptable ocean disposal site for Charleston Harbor area dredging projects on a continued basis.

### C. Proposed Site Modifications

The proposed site modifications for the Charleston Harbor Deepening Project ODMDS are the extension of the period of use and to adjust certain restrictions on site use. The present period of use on the site is for seven years from the initiation of the Charleston Harbor deepening project. EPA proposes to change the period of use to "continued use." EPA also proposes to add to the present restriction of site use the following language: "and in accordance with all provisions of disposal placement as specified by the Site Management Plan."

### D. Proposed Site Dedications

The proposed dedesignation of the smaller Charleston ODMDS is due to the presence of natural resources within its boundaries. Disposal of material within this site, particularly fine-grained materials, could directly and indirectly affect the survival of these resources. The proposed modification on the larger ODMDS to allow for continued use will provide a suitable location for the disposal of all materials from the Charleston area that meet the ocean disposal criteria. Additionally, the boundaries of the smaller ODMDS lie totally within the larger ODMDS. Therefore, the proposed action does not, at this time, actually remove any ocean bottom from potentially being used, if appropriate.

### E. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules that may have a significant impact on a substantial number of small entities. EPA has determined that this proposed action will not have a significant impact on small entities since the modifications and dedesignation will only have the effect of providing an environmentally acceptable disposal option for dredged material on a continued basis. Consequently, this Rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12866, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed action will not result in an annual effect on the economy of \$100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this Rule does not necessitate preparation of a Regulatory Impact Analysis.

This Proposed Rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

### List of Subjects in 40 CFR Part 228

Environmental protection, Water pollution control.

**Patrick M. Tobin,**

*Acting Regional Administrator.*

In consideration of the foregoing, subchapter H of chapter I of title 40 is proposed to be amended as set forth below.

### PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

**Authority:** 33 U.S.C. 1412 and 1418.

2. Section 228.15 is proposed to be amended by revising the "Period of Use" and "Restriction" in paragraph (h)(5) and by removing and reserving paragraph (h)(4) to read as follows:

#### § 228.15 Dumping sites designated on a final basis.

\* \* \* \* \*

(h) \* \* \*

(4) (Reserved)

(5) \* \* \*

\* \* \* \* \*

Period of Use: Continued use.

Restriction: Disposal shall be limited to dredged material from the Charleston Harbor area. All dredged materials, except entrance channel materials, shall be limited to that part of the site east of the line between coordinates 32°39'04"N, 79°44'25"W and 32°37'24"N, 79°45'30"W unless the material can be shown by sufficient testing to contain 10% or less of fine material (grain size of less than 0.074 mm) by weight and shown to be suitable for ocean disposal. Additionally, all disposals shall be in accordance with all provisions of disposal placement as specified by the Site Management Plan.

\* \* \* \* \*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 95

[WT Docket No. 95-47; FCC 95-158]

### Allow Interactive Video and Data Service (IVDS) Licensees To Provide Mobile Service on an Ancillary Basis

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has proposed rules to allow Interactive Video and Data Service (IVDS) licensees to provide mobile service to subscribers on an ancillary basis. This action is in response to a petition for rule making from EON Corporation. Allowing mobile operation would enhance the marketability and usefulness of IVDS as well as ensure flexible and efficient use of the IVDS spectrum.

**DATES:** Comments must be submitted on or before June 26, 1995 and reply comments must be filed on or before July 11, 1995.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Donna Kanin or William Cross at (202) 418-0680, Wireless Telecommunications Bureau.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rule Making*, WT Docket 95-47, FCC 95-158, adopted April 13, 1995, and released May 5, 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, N.W., Washington, D.C. 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 Rulemaking

1. EON Corporation filed a petition for rule making (RM-8476), Public Notice No. 2011, requesting that the Commission amend Part 95 of the Rules, 47 CFR Part 95, to allow Interactive Video and Data Service (IVDS) licensees to provide mobile service to subscribers on an ancillary basis. The primary objective of the IVDS service rules, promulgated in 1992, was to satisfy demands for interactive communications between subscribers at fixed locations and video, data, or other

service providers. The Commission believes that the mobility feature will enhance the marketability and usefulness of IVDS and ensure that the IVDS spectrum will be fully utilized, without impairing the purpose of the service.

2. The Commission proposes to amend Section 95.803(b) of the rules to permit IVDS licensees to provide ancillary mobile services to fixed service subscribers within their service area. This change in the rule would allow transmissions from a cell transmitter station (CTS) to a fixed or mobile response transmitter unit (RTU) and vice versa at any location within the service area. The primary use of the IVDS system, however, must be to provide subscribers at fixed locations with the capability to interact with video, data, or other service providers. The offering to subscribers of mobile service only, such as paging or dispatch services, would not be permitted. As suggested by EON, we propose to limit the ERP of RTUs designed to operate as portables to 100 milliwatts.

3. The Commission seeks specific comments concerning the proposed rule amendments, power limitations, and whether restrictions should be placed on the types of ancillary mobile services that IVDS licensees would be permitted to offer.

4. Initial Regulatory Flexibility Analysis

#### Reason for Action

The Commission proposes to amend Part 95 of its rules to allow ancillary portable operation in the Interactive Video and Data Service (IVDS). This change will allow IVDS licensees to provide new and innovative communication services and promote more efficient and flexible use of IVDS spectrum.

#### Objectives

The proposed rules will encourage rapid deployment and growth of IVDS systems and enhance telecommunications offerings for consumers, producers and new entrants.

#### Legal Basis

The proposed action is authorized under Sections 4(i), 303(r) and 307(c) of the Communications Act, 47 U.S.C. §§ 154(i), 303(r) and 307(c).

#### Report, Recordkeeping and Other Compliance Requirements

None.

#### Federal Rules Which Overlap, Duplicate or Conflict With These Rules

None.

#### Description, Potential Impact, and Small Entities Involved

The proposed rule change would benefit IVDS licensees by allowing them to provide new services. Most IVDS licensees are expected to be small entities.

#### Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives

None.

#### List of Subjects in 47 CFR Part 95

Interactive video and data service (IVDS), Radio.

Federal Communications Commission.

**LaVera F. Marshall,**

*Acting Secretary.*

[FR Doc. 95-11621 Filed 5-10-95; 8:45 am]

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#### 47 CFR Part 97

[PR Docket No. 93-267; FCC 95-165]

#### Temporary Operating Authority for New Amateur Operators

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws the proposal published at 58 FR 59701, November 10, 1993 to amend the Commission's Rules to provide temporary operating authority to a person who passes the examination for a new amateur operator license and terminates the proceeding. The implementation of the electronic filing of applications in the amateur service has made the proposed temporary operating authority unnecessary.

**FOR FURTHER INFORMATION CONTACT:** Maurice J. DePont, Federal Communications Commission, Wireless Telecommunications Bureau, Washington DC 20554, (202) 418-0690. **SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order* adopted April 19, 1995, and released May 2, 1995. The complete text of this Commission action 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 of this *Memorandum Opinion and Order* may also be ordered from the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, telephone (202) 857-3800.

#### Summary of Memorandum Opinion and Order

1. The commenters generally opposed the concept of a temporary operating authority for new amateur operators because they feared that it would be abused by persons who would fabricate false call signs and operate without any license.

2. Subsequent to the issuance of the proposal in this proceeding, the amateur service rules were amended to permit electronic filing of applications by the volunteer-examiner coordinators. This recent development has made the proposed temporary operating authority unnecessary. Hence, the proposal is withdrawn and the proceeding is terminated.

3. This *Memorandum Opinion and Order* is issued pursuant to the authority contained in 47 U.S.C. 154(i).

#### List of Subjects in 47 CFR Part 97

Radio, Temporary operating authority.

Federal Communications Commission.

**LaVera F. Marshall,**

*Acting Secretary.*

[FR Doc. 95-11622 Filed 5-10-95; 8:45 am]

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 649, 650, and 651

[I.D. 050395A]

#### New England Fishery Management Council; Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) will hold a 2-day public meeting to consider actions affecting New England fisheries in the exclusive economic zone.

**DATES:** The meeting will begin on Wednesday, May 17, 1995, at 10 a.m. and on Thursday, May 18, 1995, at 8:30 a.m.

**ADDRESSES:** The meeting will be held at the Sheraton Inn, Route 6, Eastham, MA 02642; telephone: (508) 255-5000 or (800) 533-3986. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097; telephone: (617) 231-0422.

**FOR FURTHER INFORMATION CONTACT:** Douglas G. Marshall, (617) 231-0422.