

determination. Appeals filed pursuant to this section must be in writing, directed to the Executive Director at the address stated above, and clearly marked "Freedom of Information Act Appeal." Such an appeal received by the Review Board that is not properly addressed and marked will be so addressed and marked by Review Board personnel as soon as it is properly identified and then will be forwarded to the Executive Director. Appeals taken pursuant to this paragraph will be considered to be received upon actual receipt by the Executive Director.

(2) The Executive Director shall make a determination with respect to any appeal within 20 working days after the receipt of such appeal. If, on appeal, the denial of the request for Review Board records or fee reduction is in whole or in part upheld, the Executive Director shall notify the person making such request of the provisions for judicial review of that determination.

(b) In unusual circumstances, as defined in § 1410.40(c), the time limits prescribed for deciding an appeal pursuant to this section may be extended by up to 10 working days by the Executive Director, who will send written notice to the requester setting forth the reasons for such extension and the date on which a determination or appeal is expected to be dispatched.

#### § 1410.50 Requests for classified agency records.

The Review Board may at any time be in possession of classified records received from other Federal agencies. Except with respect to those documents identified in § 1410.20(a)(2), the Review Board shall refer requests under § 1410.25 for such records or information to the other agency without making an independent determination as to the releasability of such documents. The Review Board shall refer requests for classified records in a manner consistent with Executive Order 12958 of April 17, 1995, or other such law as may apply.

Dated: June 26, 1995.

**David G. Marwell,**

*Executive Director, Assassination Records Review Board.*

[FR Doc. 95-16096 Filed 6-29-95; 8:45 am]

BILLING CODE 6820-TD-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[WI-50-01-6739b; FRL-5219-8]

#### Approval and Promulgation of Implementation Plans; Wisconsin

**AGENCY:** Environmental Protection Agency (USEPA).

**ACTION:** Proposed rule.

**SUMMARY:** The United States Environmental Protection Agency (USEPA) proposes to approve a revision to Wisconsin's State Implementation Plan (SIP) for ozone which was submitted to the USEPA on June 30, 1994, and supplemented on July 15, 1994. This revision consists of volatile organic compound (VOC) regulations which establish reasonably available control technology (RACT) for yeast manufacturing, molded wood parts or products coating, and wood door finishing. These regulations were submitted to address, in part, the requirement of section 182(b)(2)(C) of the Clean Air Act that States revise their SIPs to establish RACT regulations for major sources of VOCs for which the USEPA has not issued a control technology guidelines document. In the final rules section of this **Federal Register**, the USEPA is approving this action as a direct final rule without prior proposal because USEPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. USEPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments on this proposed rule must be received on or before July 31, 1995.

**ADDRESSES:** Written comments should be mailed to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal are available for public review during normal business hours at the above

address. (It is recommended that you telephone Kathleen D'Agostino at (312) 886-1767 before visiting the Region 5 office.)

**FOR FURTHER INFORMATION CONTACT:** Kathleen D'Agostino, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: May 31, 1995.

**David A. Ullrich,**

*Acting Regional Administrator.*

[FR Doc. 95-16065 Filed 6-29-95; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2, 80, 87, and 90

[WT Docket No. 92-257, FCC 95-177]

#### Maritime Communications

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has adopted a *Further Notice of Proposed Rule Making* which seeks to provide adaptive regulations and improve radio communications capabilities in the maritime services. Specifically, the Commission has proposed rules to require a minimum digital selective calling (DSC) capability on all MF, HF, and VHF radios, permit VHF public coast stations to provide automated services to vessels and, on a secondary basis, to vehicles on land, permit inter-service sharing of maritime frequencies, permit maritime licensees to share VHF band private land mobile spectrum, permit Automatic Link Establishment (ALE) in the maritime and aviation services, permit ship-to-ship and ship-to-private coast station facsimile communications, and (eliminate certain unnecessary regulatory burdens on the boating public. This action stems from the Commission's *Notice of Proposed Rule Making and Notice of Inquiry* in PR Docket 92-257 which sought public comment regarding ways to provide a more flexible regulatory framework for the maritime services. Thus, the proposed rules should promote the use of advanced radio communications techniques on marine frequencies, eliminate unnecessary regulatory

burdens, and promote the efficient use of maritime and aviation spectrum.

**DATES:** Comments must be filed on or before September 22, 1995, and reply comments must be filed on or before November 21, 1995.

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

**FOR FURTHER INFORMATION CONTACT:** Roger Noel of the Wireless Telecommunications Bureau at (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Further Notice of Proposed Rule Making*, PR Docket No. 92-257, FCC 95-177, adopted April 26, 1995, and released, May 25, 1995. The full text of this *Further Notice of Proposed Rule Making* 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 may be purchased from the Commission's copy contractor, International Transcription Services, 2100 M Street NW., Washington, DC 20037, telephone (202) 857-3800.

### Summary of Notice of Proposed Rule Making

1. The Commission initiated the instant proceeding to update the maritime service rules to promote the use of new, spectrally efficient radio communications techniques. Maritime safety communication is a global issue, and thus, the Commission's maritime service rules are, in large part, based on requirements found in the International Telecommunication Union (ITU) Radio Regulations and the International Convention for the Safety of Life at Sea (Safety Convention). Therefore, the maritime services have been slow in implementing state of the art communications techniques found in most other land mobile radio services. In order to permit the implementation of such new technologies, the Commission is proposing broad changes as follows:

2. First, the Commission proposes to require a minimum digital selective calling (DSC) capability on all newly manufactured or imported MF, HF, and VHF radiotelephone transmitters by February 1, 1997. The minimum requirements would apply to newly installed transmitters after February 1, 1999. DSC is an international system for digital signalling to automatically set up marine transmissions. After February 1, 1999, all U.S. compulsory vessels (large cargo ships and passenger ships) will be required to carry DSC equipment in order to facilitate international search and rescue efforts at sea. A minimum

DSC requirement would increase safety at sea by providing a means for small vessels to send distress alerts to nearby ships and coast stations.

3. Second, the Commission proposes to permit VHF public coast stations to provide automated service to vessels using any communications protocol readily available in the public domain. Further, the proposed rules would permit VHF public coast stations to serve vehicles on land, as a secondary service to maritime communications. Currently, public coast stations use a live marine operator to connect marine VHF radios and the public switched telephone network. Some public coast stations are permitted, by waiver, to serve vehicles on land. By permitting automation and expansion of coast station services, the proposed rules should increase the number of state of the art communications alternatives available to boaters while promoting competition among coast stations, cellular, and satellite communications providers.

4. Third, the Commission proposes intra-service and inter-service frequency sharing for maritime licensees. Under the intra-service sharing proposal, private coast stations could apply for unassigned public correspondence frequencies in the 2 MHz band. Similarly, the inter-service sharing proposal would permit public coast stations to apply for unassigned private land mobile frequencies in coastal areas far from Railroad Radio Service and Motor Carrier Radio Service licensees. Both sharing proposals should promote more efficient use of the radio spectrum without causing harmful interference to existing licensees.

6. Fourth, the Commission proposes to permit Automatic Link Establishment (ALE) in the 2-27.5 MHz maritime and aviation bands. These quality of communications in these bands is highly correlated to sporadic atmospheric changes and thus, experienced operators are currently needed to ensure speedy communications. ALE equipment measures the quality of all channels and quickly selects the best available medium. Further, ALE should promote the increased use of the MF and HF maritime and aviation bands by simplifying communications procedures.

7. Fifth, the Commission proposes to permit facsimile transmissions on marine VHF channel 68 (156.425 MHz) in Alaska between ships and between ships and private coast stations. Currently, only voice communications are authorized in the private marine VHF band. The proposed rules should

broaden the range of communications mediums available to ships while not causing harmful interference in the marine VHF band.

8. Finally, the Commission proposes several changes to the maritime service rules in an effort to eliminate unnecessary regulatory burdens to the marine community. The proposed rules should decrease regulatory burdens for coast stations and ship station licensees.

### 5. Initial Regulatory Flexibility Analysis

#### Reason for Action

The Commission proposes to (1) allow public coast stations to install equipment which will provide automatic interconnection between marine radios and the public switched telephone network, (2) authorize intra-service sharing of certain maritime frequencies by eliminating the public/private coast station distinction in the MF band and the commercial/non-commercial distinction in the VHF maritime band, (3) permit public coast stations to serve land vehicles on a secondary basis, (4) impose a minimum Digital Selective Calling requirement on future marine radios, (5) relax restrictions on narrow-band direct printing to take advantage of advances in technology, and (6) allow maritime sharing of certain Private Land Mobile frequencies.

#### Objectives

We seek to (1) remove restrictions on maritime communications which have caused uneven use of marine communications channels, (2) promote efficiency and competitiveness for marine coast stations, (3) make better use of currently unused or underused portions of the spectrum, and (4) take advantage of new technologies in maritime communications.

#### Legal Basis

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

#### Reporting, Recordkeeping and Other Compliance Requirements

Our proposed amendment to 47 C.F.R. § 80.405(c) would provide certain licensees with an alternative method to meet a current license-posting requirement.

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

None.

*Description, Potential Impact, and Small Entities Involved*

Inter- and intra-service sharing of frequencies would allow better utilization of the radio spectrum, reduce congestion in the most crowded parts of the marine radio spectrum. Allowing automatic interconnection to the public switched telephone network and service of land vehicles from public coast stations would allow public coast stations, many of which are small businesses, to compete more efficiently in the communications marketplace. Requiring marine radios to be equipped with minimum DSC capability and relaxing narrow-band direct printing restrictions would take advantage of advances in technology to increase efficiency in spectrum use.

*Any Significant Alternatives Minimizing the Impact on Small Entities Consistent With the Stated Objectives*

None.

**List of Subjects**

*47 CFR Part 2*

Radio.

*47 CFR Part 80*

Communications equipment, Radio, Reporting and recordkeeping requirements.

*47 CFR Part 87*

Communications equipment, Radio.

*47 CFR Part 90*

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 95-16077 Filed 6-29-95; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Parts 20 and 24**

[PP Docket No. 93-253, GN Docket No. 90-314, GN Docket No. 93-252, FCC 95-263]

**Race- and Gender-Based Provisions for the Auctioning of C Block Broadband Personal Communications Services Licenses, Elimination**

**AGENCY:** Federal Communications Commission.

**ACTION:** Further notice of proposed rule making.

**SUMMARY:** The Commission adopts a *Further Notice of Proposed Rule Making* proposing to amend its rules to eliminate race- and gender-based provisions for the auctioning of C block

broadband Personal Communications Services licenses. The Commission proposes the rule changes to prevent potential legal delays in conducting the C block auction, while minimizing disruptions to existing business relationships that were formed under the current rules.

**DATES:** Comments are to be filed on or before July 7, 1995. Reply comments are not requested.

**ADDRESSES:** Comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Ramona Melson or D'wana Speight, (202) 418-0620 (Wireless Telecommunications Bureau), Kathleen O'Brien Ham, (202) 418-0660 (Wireless Telecommunications Bureau), or Peter Tenhula, (202) 418-1720 (Office of General Counsel).

**SUPPLEMENTARY INFORMATION:** This is the Commission's *Further Notice of Proposed Rule Making* in PP Docket No. 93-253, GN Docket No. 90-314, GN Docket No. 93-252, adopted June 23, 1995 and released June 23, 1995. The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street NW., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street NW., Washington, D.C. 20037.

**Summary of Further Notice of Proposed Rule Making**

*Introduction*

1. In this *Further Notice of Proposed Rule Making*, we propose measures to address legal uncertainties raised by the Supreme Court's recent decision in *Adarand Constructors, Inc. v. Pena*.<sup>1</sup> In proposing these measures, we are mindful of the Commission's obligation and commitment to ensure that the designated entities<sup>2</sup> are afforded opportunities to participate in the provision of spectrum-based services. We are committed to this goal. Based on the unique circumstances of the auction for licenses in the "C block"<sup>3</sup> of

<sup>1</sup> 63 U.S.L.W. 4523 (U.S. June 12, 1995).

<sup>2</sup> The term "designated entities," as used herein refers to small business, rural telephone companies, and businesses owned by minorities or women. Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, § 6002(a), 107 Stat. 312, 388 (1993) (Budget Act).

<sup>3</sup> The Commission allocated six broadband PCS frequency blocks for auctioning. Specifically, these are designated as the A and B blocks (consisting of

Personal Communications Services in the 2 GHz band ("broadband PCS"), particularly the timing of the Supreme Court's decision in *Adarand*,<sup>4</sup> we believe that our proposal to avoid further delay and legal uncertainty concerning the C block auction is the best means of providing opportunities for businesses owned by minorities<sup>5</sup> and women, many of whom have made preparations to bid in the C block auction. We emphasize, however, that our proposal is limited to the rules governing eligibility to participate in the C block auction.<sup>6</sup> We also emphasize that our tentative conclusion to eliminate race- and gender-based measures does not indicate that we have concluded that race- or gender-based measures are inappropriate for future spectrum auctions.

2. For purposes of the C block auction only, we propose to eliminate all race- and gender-based provisions contained in our competitive bidding rules applicable to such licenses in order to avoid delay caused by the legal challenges to our existing rules that would likely result from the Supreme Court's ruling in *Adarand*. It is our belief that such delay will significantly impede the C block auction and the expeditious dissemination of broadband PCS licenses to entrepreneurs,<sup>7</sup> including businesses owned by minorities and women. In addition, we propose to treat women and minorities similarly in light of the stay granted

102 30 MHz Major Trading Area (MTA) licenses); the C and F blocks (consisting of 493 30 MHz Basic Trading Area (BTA) licenses and 493 10 MHz BTA licenses); and the D and E blocks (consisting of 986 10 MHz BTA licenses). The Commission recently completed its auction of the 99 A and B block licenses. See Public Notice, "Announcing the Winning Bidders in the FCC's Auction of 99 Licenses to Provide Broadband PCS in Major Trading Areas; Down Payments Due March 20, 1995," March 13, 1995. The auctioning of the 493 C block licenses as announced in a public notice released in tandem with this *Further Notice of Proposed Rule Making* is scheduled to begin August 29, 1995. See Public Notice, "FCC Sets August 29th Auction Date for 493 BTA Licenses Located in the C Block for Personal Communications Services in the 2 GHz Band, June 23, 1995.

<sup>4</sup> Notably, the *Adarand* decision was announced on June 12, 1995, three days before the filing deadline for short-form applications (Form 175) for the C block auctions.

<sup>5</sup> Under our C block competitive bidding rules, the term "minorities" includes Blacks, Hispanics, American Indians, Alaskan Natives, Asians, and Pacific Islanders. See 47 CFR 24.720(i).

<sup>6</sup> Aside from the C block auction, we anticipate that parties interested in other spectrum auctions will have additional opportunities to comment at a future date.

<sup>7</sup> The term "entrepreneurs," as used herein, refers to applicants in the C block that have gross revenues of less than \$125 million in each of the last two years and total assets of less than \$500 million at the time the FCC Form 175 is filed. See 47 CFR 24.709(a).