

(c) Notify the Commission that it no longer seeks to maintain ETC status.

§ 1.4007 Comments.

(a) Any person wishing to be heard concerning an application for ETC status may file comments with the Commission within fifteen (15) days from the release date of a public notice regarding the application, or such other period of time set by the Commission. Any comments must be limited to the adequacy or accuracy of the application.

(b) Any person who files comments with the Commission must also serve copies of all comments on the applicant.

(c) An applicant has seven (7) days to reply to any comments filed regarding the adequacy and accuracy of its application, or such other period of time as set by the Commission. Such reply shall be served on the commenters.

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BILLING CODE 6712-01-P

47 CFR Part 15

[ET Docket No. 96-102; FCC 96-193]

Unlicensed NII/SUPERNet Operations in the 5 GHz Frequency Range

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: By this *Notice of Proposed Rule Making* ("NPRM"), the Commission proposes to make available 350 megahertz of spectrum at 5.15-5.35 GHz and 5.725-5.875 GHz for use by a new category of unlicensed equipment, called NII/SUPERNet devices. These devices would provide short-range, high speed wireless digital communications on an unlicensed basis. The Commission anticipates that these NII/SUPERNet devices will support the creation of new wireless local area networks ("LANs") and will facilitate wireless access to the National Information Infrastructure ("NII"). This action is in response to petitions for rule making filed by the Wireless Information Networks Forum (WINForum) and Apple Computer, Inc. **DATES:** Comments must be filed on or before July 15, 1996 and reply comments must be filed on or before August 14, 1996.

ADDRESSES: Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Tom Derenge, Office of Engineering and Technology (OET), (202) 418-2451, or Fred Thomas, OET, (202) 418-2449.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, ET Docket No. 96-102, FCC 96-193, adopted April 25, 1996 and released May 6, 1996. 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, 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, 1919 M Street, N.W., Room 246, or 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Additionally, an electronic version of the text may be obtained from the World Wide Web at the URL: "http://www.fcc.gov/Bureaus/EngineerIn_Technology/Notices/".

Summary of the Notice of Proposed Rule Making

1. The Commission proposes to amend Part 15 of its rules and to make available 350 megahertz of spectrum at 5.15-5.35 GHz and 5.725-5.875 GHz for use by a new category of unlicensed equipment, called NII/SUPERNet devices. This amount of spectrum should be sufficient to provide for a number of high-speed, wide-bandwidth, unlicensed operations in each geographical area to meet growing demand for data LANs. These devices may offer new opportunities for providing advanced telecommunications services to educational institutions, health care providers, libraries, businesses, and other users. These devices may thereby significantly assist in meeting the universal service goals and encouraging the provision of advanced telecommunications capabilities to all Americans as set forth in the Telecommunications Act of 1996. This action should also foster the development of a broad range of new devices and services that will stimulate economic development and the growth of new industries. The Commission feels that additional studies of spectrum sharing between the proposed unlicensed operations and existing and other proposed operations in the 5 GHz range would be useful and requests that interested parties address this matter in their comments.

2. In order to permit maximum technical flexibility in the design and operation of NII/SUPERNet devices, the Commission proposes that such devices be subject to the minimum technical standards necessary to prevent interference to other services and to ensure that the spectrum is used efficiently. Specifically, the *NPRM*

proposes to limit the peak equivalent isotropically radiated power (EIRP) for NII/SUPERNet devices to -10 dBW (0.1 watt), which would provide for typical communications distances of 50 to 100 meters. The Commission, however, does not propose at this time to accommodate the higher power, longer range (approximately 10-15 kilometer) communications links sought by the petitioners due to concerns that such higher power operations would pose unacceptable interference risks to other services, such as the fixed satellite service in the 5.10-5.25 GHz band, and would greatly limit the number of unlicensed operations within a local area. Nonetheless, comment is solicited on whether to permit such higher power operation at up to 1 watt of transmitter output power within the 5.725-5.875 GHz band; whether to limit the maximum antenna gain; and whether higher power operations would be better accommodated on a licensed basis in this band or in other bands presently (or soon to be) available for licensed use (e.g., 2 GHz, 28 GHz, 38 GHz, or above 40 GHz ranges).

3. Furthermore, the *NPRM* proposes that all emissions occurring from NII/SUPERNet devices outside of the 5.15-5.35 GHz and 5.725-5.875 GHz bands be attenuated by at least 50 dB or to the radiated emission limits set forth in 47 CFR § 15.209, whichever is the lesser attenuation. In addition, the *NPRM* proposes that any emissions occurring in the restricted bands (see 47 CFR § 15.205) comply with the radiated emission limits set forth in 47 CFR § 15.209. The Commission believes that these out-of-band emission limits will provide sufficient protection against harmful interference to adjacent band and harmonically related radio operations. Additionally, the *NPRM* proposes to amend Section 15.205 to delete the listing of 5.15-5.25 GHz as a restricted band. Further, to ensure that the emissions from digital circuitry employed with the NII/SUPERNet equipment do not cause harmful interference to lower frequency radio operations, the *NPRM* proposes to require that any such emissions below 1000 MHz comply with the general field strength limits set forth in Section 15.209.

4. The *NPRM* does not at this time propose a channeling plan, in order to provide flexibility for equipment designers to develop devices and systems that will meet a wide variety of user needs. However, comment is solicited on whether a channel bandwidth (e.g., 25 MHz) should be established to ensure that the spectrum will be used efficiently and will be

accessible to users of NII/SUPERNet devices.

5. The *NPRM* proposes a basic "listen-before-talk" interim etiquette similar to that established for unlicensed Data-PCS devices in order to expedite the development and introduction of NII/SUPERNet devices. However, the Commission encourages industry to develop any additional etiquette protocols that would increase spectrum efficiency and facilitate equal access to the spectrum by a variety of devices. Specifically, the proposed interim etiquette would require unlicensed devices: to monitor the frequencies they will occupy to determine if the frequencies are unused and available; to limit the maximum time unlicensed devices may transmit to 10 milliseconds; and to require unlicensed devices to wait after ceasing transmission 50 microseconds before beginning to monitor again. Comment is sought on whether these interim standards would be appropriate, and interested parties are invited to submit alternatives.

6. The *NPRM* also proposes to establish sharing criteria between unlicensed NII/SUPERNet devices and incumbent and proposed licensed operations in the 5 GHz range. Specifically, the *NPRM* proposes that NII/SUPERNet devices not be deemed to cause interference to licensed services, provided that they operate in accordance with the Commission's technical rules and they are located indoors or employ an outdoor antenna that is mounted 15 meters or less above the ground. NII/SUPERNet devices with outdoor antennas higher than 15 meters would be required to cease operation or make some accommodation, such as limiting power, to eliminate any harmful interference caused to a licensed operation. Finally, consistent with unlicensed part 15 operation, NII/SUPERNet devices must accept any interference caused by licensed services.

Initial Regulatory Flexibility Analysis

1. *Reason For Action:* The Commission finds that there is a need for additional unlicensed spectrum for intentional radiators. This rule making proceeding is initiated to obtain comment regarding proposals to make spectrum in the 5 GHz band available for such purposes and to amend the part 15 rules to add the technical requirements necessary to permit sharing between the proposed new unlicensed devices and incumbent operations.

2. *Objective:* The objective of this proposal is to provide adequate unlicensed spectrum for wideband

applications, and to provide for the technical rules necessary for spectrum sharing and efficiency.

3. *Legal Basis:* The proposed action is authorized by sections 4(i), 303(c), 303(f), 303(g) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 303(c), 303(f), 303(g) and 303(r). These provisions authorize the Commission to make such rules and regulations as may be necessary to encourage more effective use of radio as is in the public interest.

4. *Description, Potential Impact, and Number of Small Entities Affected:* This proposal may provide new opportunities for radio manufacturers and suppliers of radio equipment, some of which may be small businesses, to develop and sell new equipment. The Commission is unable to quantify other potential effects on small entities. The *NPRM* invites specific comments on this point by interested parties.

5. *Reporting, Record Keeping, and Other Compliance Requirements:* None.

6. *Federal Rules That Overlap, Duplicate, or Conflict With This Rule:* None.

7. *Significant Alternatives:* If promulgated, this proposal will provide additional unlicensed spectrum. The Commission is unaware of other alternatives which could provide sufficient spectrum in the immediate future. The *NPRM* solicits comment on this point.

List of Subjects in 47 CFR Part 15

Radio,
Federal Communications Commission.
William F. Caton,
Acting Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 960503125-6125-01; I.D. 040996A]

RIN 0648-AH03

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands; Salmon Donation Program

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 26 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 29 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). This rule would authorize a voluntary Salmon Donation Program (SDP) for distribution of Pacific salmon taken as bycatch in the groundfish trawl fisheries off Alaska to economically disadvantaged individuals by tax-exempt organizations through a NMFS-authorized distributor. This action would support industry initiatives to reduce waste from discard in the groundfish fisheries by processing salmon bycatch for human consumption. This action is intended to promote the goals and objectives of the FMPs that govern the commercial groundfish fisheries off Alaska.

DATES: Comments must be received by July 1, 1996.

ADDRESSES: Comments should be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of Amendments 26 and 29 and the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for the amendments may be obtained from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage AK 99510-2252; telephone: 907-271-2809. Send comments regarding burden estimates or any other aspect of the data requirements, including suggestions for reducing the burdens, to NMFS and to the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503, Attn: NOAA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, 907-586-7228.

SUPPLEMENTARY INFORMATION: Fishing for groundfish by U.S. vessels in the exclusive economic zone of the Gulf of Alaska (GOA) and Bering Sea and Aleutian Islands management area (BSAI) is managed by NMFS according to the respective FMPs for the groundfish fisheries of the GOA and BSAI. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801, *et seq.*) (Magnuson Act) and are implemented by regulations governing the U.S. groundfish fisheries at 50 CFR parts 672, 675, and 676. General regulations that also pertain to U.S. fisheries are codified at 50 CFR part 620.