

the geographical coordinates of the antenna (NAD-83 datum), antenna height above ground, ground elevation at the antenna, antenna directivity and gain, proposed frequency and FCC Rule Part, type of emission, effective radiated power, and whether the proposed use is itinerant. Generally, submission of the information in the technical portion of the FCC license application is adequate notification. In addition, the applicant shall indicate in its application to the Commission the date notification was made to the Arecibo Observatory.

(2) After receipt of such applications, the Commission will allow the Arecibo Observatory a period of 20 days for comments or objections in response to the notification indicated. The applicant will be required to make reasonable efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory and to file either an amendment to the application or a modification application, as appropriate. If the Commission determines that an applicant has satisfied its responsibility to make reasonable efforts to protect the Observatory from interference, its application may be granted.

(3) The provisions of this paragraph do not apply to operations that transmit on frequencies above 15 GHz.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 74, 78, and 101

[ET Docket No. 97-99; FCC 97-348]

Reallocation of 18/24 GHz Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This *Order* amends the Commission's rules regarding Auxiliary Broadcast Services, Cable Television Relay Service, and Fixed Microwave Services to specify permanent coordination criteria between these services and Government operations in the 17.8-19.7 GHz band. This action is taken to advance, support, and accommodate the national defense.

EFFECTIVE DATE: November 26, 1997.

FOR FURTHER INFORMATION CONTACT: Rodney Small, Office of Engineering and Technology, (202) 418-2452.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order*, ET Docket 97-99, FCC 97-348, adopted September 26, 1997, and released

October 14, 1997. 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., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, NW., Washington, D.C. 20036.

Summary of the Order

1. This proceeding was initiated pursuant to a request from the National Telecommunications and Information Administration (NTIA), on behalf of the Department of Defense, to protect Government Earth stations in the 17.8-19.7 GHz band in the Washington, DC, and Denver, CO, areas in the interest of national security. In the original *Order* in this proceeding (Reallocation Order), 62 FR 24576, May 6, 1997, we amended our Table of Frequency Allocations and Part 101 of our rules to permit Fixed Service use of the 24.25-24.45 GHz and 25.05-25.25 GHz bands ("24 GHz band"). We took that action to facilitate relocation of the digital electronic message service ("DEMS") from the 18.82-18.92 GHz and 19.16-19.26 GHz bands ("18 GHz band") to the 24 GHz band.

2. NTIA also requested that we establish coordination zones for fixed service licensees located at 18 GHz. Specifically, to protect Government users, NTIA requested that we replace our interim coordination procedures for non-DEMS fixed services in the 18 GHz band with permanent coordination requirements. In the *Reallocation Order*, we stated that we would adopt rules consistent with the exclusion and coordination requirements requested by NTIA in a future Order. However, we found it necessary in the *Reallocation Order* to immediately modify the rules for low power operations at 18 GHz. Finally, we stated that pending adoption of a future Order consistent with NTIA's request, we would continue to protect Government operations at 18 GHz from other non-Government operations by using the interim procedures currently in place.

3. As requested by NTIA, we establish for the 17.8-19.7 GHz band permanent exclusion and coordination zones with regard to applicable Auxiliary Broadcast (Part 74), Cable Television Relay (Part 78), and Fixed Microwave (Part 101) operations in Washington, D.C. and Denver, Colorado. This action is necessary to minimize potential interference to Government operations. Our action herein will ensure that Government satellite Earth stations

important to national security will operate without harmful interference being caused by non-Government operations.

4. We take this action to minimize the likelihood of interference to military communications. Accordingly, we find that notice and comment procedures are unnecessary and contrary to the public interest, and need not be followed prior to the adoption of these rules. See 5 U.S.C. § 553 (a)(1), (b)(3)(B); *Bendix Aviation Corp. v. F.C.C.*, 272 F.2d 533 (D.C. Cir. 1959), *cert. denied sub nom. Aeronautical Radio, Inc. v. U.S.*, 361 U.S. 965 (1960).

5. It is ordered, that parts 74, 78, and 101 of the Commission's Rules are amended. This action is authorized by Sections 4(i), 303(c), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 145(i), 303(c), 303(f), and 303(r).

List of Subjects

47 CFR Part 74

Communications equipment, Radio.

47 CFR Part 78

Cable television, Radio.

47 CFR Part 101

Fixed microwave services, Radio.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Rule Changes

Title 47 of the Code of Federal Regulations, Parts 74, 78, and 101 are amended as follows:

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER DISTRIBUTIONAL SERVICES

1. The authority citation for Part 74 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303, 554.

2. Section 74.32 is added to read as follows:

§ 74.32 Operation in the 17.8-19.7 GHz band.

(a) To minimize or avoid harmful interference to Government Satellite Earth Stations located in the Denver, Colorado and Washington, D.C. areas, any application for a new station license to operate in the 17.8-19.7 GHz band, or for modification of an existing station license in this band which would change the frequency, power, emission, modulation, polarization, antenna height or directivity, or location of such

a station, must be coordinated with the Federal Government by the Commission before an authorization will be issued, if the station or proposed station is located in whole or in part within any of the areas defined by the following rectangles or circles:

Denver, CO Area

Rectangle 1:

41°30'00" N. Lat. on the north
103°10'00" W. Long. on the east
38°30'00" N. Lat. on the south
106°30'00" W. Long. on the west

Rectangle 2:

38°30'00" N. Lat. on the north
105°00'00" W. Long. on the east
37°30'00" N. Lat. on the south
105°50'00" W. Long. on the west

Rectangle 3:

40°08'00" N. Lat. on the north
107°00'00" W. Long. on the east
39°56'00" N. Lat. on the south
107°15'00" W. Long. on the west

Washington, D.C. Area

Rectangle

38°40'00" N. Lat. on the north
78°50'00" W. Long. on the east
38°10'00" N. Lat. on the south
79°20'00" W. Long. on the west

or

(b) Within a radius of 178 km of 38°48'00" N. Lat./76° 52'00" W. Long.
(c) In addition, no application seeking authority to operate in the 17.8–19.7 GHz band will be accepted for filing if the proposed station is located within 20 km of the following coordinates:

Denver, CO area: 39°43'00" N. Lat./ 104°46'00" W. Long.

Washington, DC area: 38°48'00" N. Lat. / 76°52'00" W. Long.

Note to § 74.32: The coordinates cited in this section are specified in terms of the "North American Datum of 1983 (NAD 83)" with an accuracy of ±30 meters with respect to the "National Spatial Reference System".

PART 78—CABLE TELEVISION RELAY SERVICE

1. The authority citation for Part 78 continues to read:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

2. Section 78.19 is amended by adding paragraph (f) to read as follows:

§ 78.19 Interference.

* * * * *

(f) Protection to the Federal Government's receive earth station operations in the Denver, Colorado and Washington D.C. areas in the 17,800 to 19,700 MHz band.

(1) With the exception of applicants for a station authorization to operate within a 5 km radius of 39°40'23" N Lat. and 105°13'03" W Long (Morrison, CO),

applicants will not be authorized to operate within a 50 km radius of 39°43'00 N Lat. and 104°46'00" W Long. (Denver, CO) and within a 50 km radius of 38°48'00" N Lat. and 76°52'00" W Long. (Washington, DC).

(2) To minimize or avoid harmful interference to Government Satellite Earth Stations located in the Denver, Colorado and Washington, D.C. areas, any application for a new station license to operate in the 17.8-19.7 GHz band, or for modification of an existing station license in this band which would change the frequency, power, emission, modulation, polarization, antenna height or directivity, or location of such a station, must be coordinated with the Federal Government by the Commission before an authorization will be issued, if the station or proposed station is located in whole or in part within any of the areas defined by the following rectangles or circles:

(i) A circular area within a 5 km radius of 39°40'23" N Lat. and 105°13'03" W Long. (Morrison, CO)

(ii) Within the rectangular areas defined as follows (vicinity of Denver, CO):

Rectangle 1:

414°30'00" N. Lat. on the north
103°10'00" W. Long. on the east
38°30'00" N. Lat. on the south
106°30'00" W. Long. on the west

Rectangle 2:

38°30'00" N. Lat. on the north
105°00'00" W. Long. on the east
37°30'00" N. Lat. on the south
105°50'00" W. Long. on the west

Rectangle 3:

40°08'00" N. Lat. on the north
107°00'00" W. Long. on the east
39°56'00" N. Lat. on the south
107°15'00" W. Long. on the west

(iii) Within the rectangle and circle areas as follows (vicinity of Washington, DC):

Rectangle

38°40'00" N. Lat. on the north
78°50'00" W. Long. on the east
38°10'00" N. Lat. on the south
79°20'00" W. Long. on the west or

or

(iv) Within a radius of 178 km of 38°48'00" N. Lat. / 76°52'00" W. Long.

Note to § 78.19: The coordinates cited in this section are specified in terms of the "North American Datum of 1983 (NAD 83)" with an accuracy of – 30 meters with respect to the "National Spatial Reference System."

PART 101—FIXED MICROWAVE SERVICES

1. The authority citation for Part 101 continues to read as follows:

Authority: 47 U.S.C. 154 and 303, unless otherwise noted.

2. Section 101.31 is amended by revising paragraph (b)(3) introductory

text and paragraph (e)(1)(v) and adding paragraph (b)(6) to read as follows:

§ 101.31 Special temporary, temporary, and conditional authorizations.

* * * * *

(b) * * *

(3) Except for operations in the 17.8–19.7 GHz band, the licensee of stations which are authorized pursuant to the provisions of paragraph (b) of this section shall notify the Commission at least five (5) days prior to installation of the facilities stating:

* * * * *

(6) Operations in the 17.8–19.7 GHz band are prohibited in the areas defined in § 101.123(d)(2). Operations proposed in the areas defined in § 101.123(d)(1) may not commence without prior specific notification to, and authorization from, the Commission. Such notification will contain the information specified in paragraph (b)(3) of this section.

* * * * *

(e) * * *

(1) * * *

(v) The station site does not lie within 56.3 kilometers of any international border, within a radio "Quiet Zone" identified in § 101.123 or, if operated on frequencies in the 17.8–19.7 GHz band, within any of the areas identified in § 101.123(d);

* * * * *

3. Section 101.123 is amended by adding paragraph (d) to read as follows:

§ 101.123 Quiet zones.

* * * * *

(d)(1) To minimize or avoid harmful interference to Government Satellite Earth Stations located in the Denver, Colorado and Washington, D.C. areas, any application for a new station license to operate in the 17.8–19.7 GHz band (except for low power operations governed by § 101.147(r)(10)), or for modification of an existing station license in this band which would change the frequency, power, emission, modulation, polarization, antenna height or directivity, or location of such a station, must be coordinated with the Federal Government by the Commission before an authorization will be issued, if the station or proposed station is located in whole or in part within any of the areas defined by the following rectangles or circles:

Denver, CO Area

Rectangle 1:

41°30'00" N. Lat. on the north
103°10'00" W. Long. on the east
38°30'00" N. Lat. on the south
106°30'00" W. Long. on the west

Rectangle 2:

38°30'00" N. Lat. on the north
105°00'00" W. Long. on the east
37°30'00" N. Lat. on the south
105°50'00" W. Long. on the west

Rectangle 3:

40°08'00" N. Lat. on the north
107°00'00" W. Long. on the east
39°56'00" N. Lat. on the south
107°15'00" W. Long. on the west

Washington, D.C. Area

Rectangle

38°40'00" N. Lat. on the north
78°50'00" W. Long. on the east
38°10'00" N. Lat. on the south
79°20'00" W. Long. on the west

or

(2) Within a radius of 178 km of
38°48'00" N. Lat./78°52'00" W. Long.

(3) In addition, no application seeking authority to operate in the 17.8–19.7 GHz band will be accepted for filing if the proposed station is located within 20 km (or within 55 km if the application is for an outdoor low power operation pursuant to § 101.147(r)(10)) of the following coordinated:

Denver, CO area: 39°43'00" N. Lat./
104°46'00" W. Long.

Washington, DC area: 38°48'00" N. Lat./
76°52'00" W. Long.

Note to § 101.123: The coordinates cited in this section are specified in terms of the "North American Datum of 1983 (NAD 83)" with an accuracy of ±30 meters with respect to the "National Spacial Reference System".

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961107312-7021-02; I.D. 101697B]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from trawl catcher/processors to vessels using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI) and is reallocating Pacific cod from vessels using jig gear to vessels using hook-and-line or pot gear in the BSAI. These actions are necessary to allow the 1997 total allowable catch (TAC) of Pacific cod to be harvested. They are intended to promote the goals and objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP).

DATES: Effective 1200 hrs, Alaska local time (A.l.t.) October 22, 1997.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the FMP prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(5), the Pacific cod TAC for the BSAI was established as 270,000 metric tons (mt) by the Final 1997 Harvest Specifications for Groundfish for the BSAI (62 FR 7168, February 18, 1997). Of this amount, 5,400 mt was allocated to vessels using jig gear, 126,900 mt to vessels using trawl gear, and 137,700 mt to vessels using hook-and-line or pot gear. The amount of Pacific cod TAC allocated to trawl gear vessels was further allocated 50 percent to catcher vessels (63,450 mt) and 50 percent (63,450 mt) to catcher/processor vessels pursuant to § 679.20(a)(7)(i)(B).

Pursuant to § 679.20(a)(7)(ii)(A) NMFS made the projected unused

amount of trawl catcher/processor Pacific cod (2,000 mt) available to the trawl catcher vessel sector. The trawl catcher vessel portion was increased to 65,450 mt (62 FR 51609, October 2, 1997).

The Administrator, Alaska Region, NMFS (Regional Administrator), has determined that trawl catcher/processors will not be able to harvest 10,000 (mt) of Pacific cod allocated to those vessels under § 679.20(a)(7)(i)(A).

Therefore, in accordance with § 679.20(a)(7)(ii), NMFS apportions the projected unused amount, 10,000 mt of Pacific cod from vessels using trawl gear to vessels using hook-and-line or pot gear.

The Regional Administrator has determined that vessels using jig gear will not harvest 5,000 mt of Pacific cod by the end of the year. Therefore, in accordance with § 679.20(a)(7)(iii) NMFS is reallocating the unused amount of 5,000 mt of Pacific cod allocated to vessels using jig gear to vessels using hook-and-line or pot gear.

Classification

This action is taken under 50 CFR 679.20 and is exempt from OMB review under E.O. 12866.

The Assistant Administrator for Fisheries, NOAA, has determined, under section 553(b)(B) and (d)(3) of the Administrative Procedure Act and 50 CFR 679.20(b)(3)(iii)(A), that good cause exists for waiving the opportunity for public comment and the 30-day delayed effectiveness period for this action. Fisheries are currently taking place that will be supplemented by this apportionment. Delaying the implementation of this action would be disruptive and costly to these ongoing operations.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 22, 1997.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97-28420 Filed 10-22-97; 2:14 pm]

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