

H. Record of Meetings

In accordance with FACA's requirements, minutes of all committee meetings will be kept. The minutes will be placed in the public rulemaking record and Internet site on our home page.

I. Other Information

In accordance with the provisions of Executive Order 12866 this notice was reviewed by the Office of Management and Budget.

Authority: Section 1834(l)(1) of the Social Security Act (42 U.S.C. 1395m).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: December 17, 1998.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Dated: December 23, 1998.

Donna E. Shalala,

Secretary.

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BILLING CODE 4120-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[CC Docket No. 94-102; DA 98-2631]

Compatibility of Wireless Services With Enhanced 911; Guidelines for Waiver of Phase II Automatic Location Identification Requirements

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; availability of supplemental information.

SUMMARY: The Wireless Telecommunications Bureau released a Public Notice announcing guidelines to be followed in filing petitions for waiver of § 20.18(e) of the rules governing wireless Enhanced 911 (E911) service. The Public Notice also establishes a schedule for filing such waiver requests. Section 20.18(e) requires that covered wireless carriers deploy Automatic Location Identification (ALI) beginning October 1, 2001. The action is taken to provide interested parties with guidance in filing requests for waiver of this requirement. Filings in response to the Public Notice will be included in the pending wireless E911 docket and may be utilized by the Commission in its further development of policies and rules for wireless E911 deployment.

DATES: Waiver petitions are requested to be filed by February 4, 1999. Comments

on the waivers requests are due on February 16, 1999, and reply comments are due on or before February 22, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Dan Grosh, 202-418-1310, or Won Kim, 202-418-1310. For additional information concerning the information collection aspects contained in the Public Notice, contact Les Smith at 202-418-0217, or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Public Notice in CC Docket No. 94-102, DA 98-2631, released December 24, 1998. The complete text of the Public Notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), (202) 857-3800, 1231 20th Street, N.W., Washington, D.C. 20036.

Synopsis of the Public Notice

1. The Public Notice sets out guidelines and a filing schedule to assist those interested in filing waivers of 20.18(e) of the E911 regulations which state that covered wireless carriers must deploy Automatic Location Identification (ALI) as part of E911 service beginning October 1, 2001, provided certain conditions are met. This rule was adopted in the First Report and Order (61 FR 40348, August 2, 1996) and provides that subject carriers must provide the location of all 911 calls by longitude and latitude such that the accuracy for all calls is 125 meters or less using a Root Mean Square methodology. The Commission, in the Memorandum Opinion and Order (MO&O) in this proceeding (63 FR 2631, January 16, 1998) responded to concerns that the effect of § 20.18(e) might not be technologically and competitively neutral for some technologies that might be used to provide ALI, in particular handset-based technologies such as those using the GPS satellite system. The MO&O stated that the Commission would be willing to consider such issues either in the E911 rulemaking or in response to requests for waivers.

2. In response to the MO&O, the Wireless Telecommunications Bureau received inquiries regarding the terms of waivers that might be granted and the type of information that should accompany requests for such waivers. Thus, the Public Notice sets out

guidelines and a filing schedule to assist those interested in filing such waivers, as well as other interested parties. Parties should be aware that these filings will be included in the pending wireless E911 docket, and may be utilized by the Commission in its further development of policies and rules for wireless E911 deployment in the pending reconsideration proceeding or in other actions in the E911 rulemaking proceeding.

3. The Commission's intention in this proceeding is to adopt general performance criteria, rather than extensive technical standards, to guide the development of wireless E911 services. The Commission's goal in this proceeding is to ensure the rapid, efficient, and effective deployment of ALI as part of E911, in order to promote the public safety and welfare. Because of the significant benefits the ALI requirements established in § 20.18(e) will provide to the public safety, any requests for waiver of the rule should be consistent with that intent and goal. The carriers who would seek waiver of ALI requirements must demonstrate their commitment to, and plans for achieving, the goals of § 20.18(e).

4. There are several aspects to achieving these goals for handset-based approaches to ALI. One of the most critical factors in providing help to 911 callers in emergency situations is the accuracy of the location information. A commitment by a carrier to provide a significantly higher level of accuracy could help justify a phase-in of ALI over time, through upgrading or replacing handsets.

5. Another way in which the goals of the rules might be achieved would be if the carrier began implementation of ALI capabilities before the October 1, 2001, deadline, by offering ALI capable handsets to customers at an earlier date, and offering only ALI capable handsets no later than the date when all conditions for Phase II requirements are met. Early implementation could be especially useful for wireless customers travelling in areas where Public Safety Answering Points (PSAPs) have acted to be able to receive the ALI information.

6. One concern the Commission has regarding carriers employing handset-based ALI technologies is that they might not be able to provide reliable ALI service to "roamer" customers whose home carrier adopts a network-based solution. In light of this concern, it will be important for carriers seeking waiver of the Commission's Phase II requirements to address any factors and steps they will be in a position to take that will minimize this roamer problem to the fullest extent practicable.

Terms and Scope of Waiver Petitions; Information Requested

7. Any carrier seeking a waiver of the Commission's rules and requirements relating to Phase II implementation shall include in its petition for waiver a specific statement and explanation of the scope and terms of the waiver sought by the carrier. Under the general waiver standard set forth in WAIT Radio,¹ the Commission may exercise its discretion to waive a rule where waivers are founded upon an "appropriate general standard," "show special circumstances warranting a deviation from the general rule," and "such deviation will serve the public interest."²

8. In order to meet the *WAIT Radio* waiver standard, it is necessary for waiver petitions to provide with sufficient particularity the following information. This information will assist the Commission in assessing whether a particular waiver is likely to meet the Commission's objective of being technologically and competitively neutral with respect to enforcement compliance with its Phase II rules, while promoting the deployment of wireless E911 in an efficient and effective manner:

(1) The level of ALI accuracy and reliability the carrier plans to offer with its ALI technologies. This information should include field test results of such technologies in various geographical environments, such as "urban canyons," suburban and rural locations, mountainous and other similar terrain, and inside buildings.

(2) When the carrier plans to start offering ALI-capable handsets to its customers. This information should include documented timetables and milestones regarding the deployment projections for ALI-capable handsets. In particular, we would find it useful to have information on the expected implementation rate for ALI under the requested waiver, including the likely rate at which non-ALI capable handsets would be replaced or upgraded.

(3) Steps the carrier will take with respect to minimizing problems associated with non-ALI capable handsets. This information should include an analysis of estimated cost of upgrading or replacing existing handsets based on the options explored by the carrier.

(4) Steps the carrier plans to take to address roamer situations, together with any available information regarding the volume of 911 calls made by roamer customers in the carrier's service area.

9. Because the ALI technology issue is one that affects all wireless carriers subject to the E911 requirements, it is possible that a general waiver or set of waiver options may be one way of addressing the handset-based technology issue. The grant of interim waivers pending the adoption of permanent rule changes may also be appropriate. Waiver requests and comments should address any legal or other issues that might be raised by the grant of either individual or general waivers, on an interim or permanent basis.

Filing Schedules and Instructions

10. To assist the Commission in evaluating these issues in a comprehensive manner, we recommend that waiver requests be filed not later than February 4, 1999. Oppositions should be filed not later than February 16, 1999. Replies should be filed not later than February 22, 1999. Waiver requests may be filed before or after the date established in this schedule, but adherence to such filing date should facilitate more efficient and expeditious treatment of pending petitions. The Commission also notes that application for or grant of a waiver does not obligate the carrier to use the waiver; if a carrier wishes, it may decide to comply with the rules in effect rather than employ a granted waiver.

Administrative Information

11. To file formally in this proceeding, participants must file an original and five copies of all petitions, oppositions, and replies. If participants want each Commissioner to receive a personal copy of their comments, an original and ten copies must be filed. All pleadings should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C., 20554, referencing CC Docket No. 94-102. Paper filings will also be received at a designated counter located at TW-A325 in the 12th Street lobby of the Portals II Office Building from 8:30 a.m. to 5:30 p.m., Monday through Friday, except holidays. During the transition period of the Commission's relocation to the Portals II Office Building, the Office of the Secretary will accept paper filings at 1919 M Street, N.W., Room 222, but only from 4:00 p.m. to 5:30 p.m., Monday through Friday, except holidays.

12. Requests for waiver that are formally opposed are generally treated as restricted proceedings, where *ex parte* presentations are prohibited.³ The Commission may modify its *ex parte* rules, however, if it determines that the public interest would be served.⁴ Because these waiver petitions and responsive comments will be included in CC Docket No. 94-402, and may be considered in the context of the ongoing wireless E911 rulemaking, the Commission believes that it is appropriate to treat these as "permit but disclose" proceedings. Pursuant to our delegated authority,⁵ we have determined that it is in the public interest to permit *ex parte* presentations relating to petitions for waiver of § 20.18(e), so long as the presentations are disclosed in accordance with § 1.1206 of the Commission's Rules.⁶

Paperwork Reduction Act

13. This Public Notice contains new information collections subject to the Paperwork Reduction Act of 1995 (PRA). The Office of Management and Budget (OMB) has reviewed and approved these collections. The expiration date for this approval is April 30, 1999. Because the Commission sought and OMB granted emergency approval of these collections, and because the Public Notice originated from comments filed in response to the Memorandum Opinion and Order (63 FR 2631, January 16, 1998) for which a comment period was provided and OMB approval was received (OMB No. 3060-0813), the Commission has been granted an exception to the 60-day public comment requirement.

OMB Approval Number: 3060-0878.

Title: Wireless Telecommunications Bureau Outlines Guidelines For Wireless E911 Rule Waivers For Handset-Based Approaches To Phase II Automatic Location Identification (ALI) Requirements, Public Notice, CC Docket No. 94-102.

Type of Review: New Collection.

Respondents: Covered Wireless Carriers Seeking Waiver of § 20.18 (e) of the Commission's E911 Rules Requiring That Covered Carriers Deploy ALI As Part Of E911 Service Beginning October 1, 2001.

Number of Respondents:

Approximately 50 carriers will submit a one-time request for waiver of the E911 ALI regulations.

³ Section 1.1208 of the Commission's Rules, 47 CFR 1.1208.

⁴ Section 1.1200(a) of the Commission's Rules, 47 CFR 1.1200(a).

⁵ See §§ 0.131 and 1.331 of the Commission's Rules, 47 CFR 0.131, 1.331.

⁶ 47 CFR 1.1206.

¹ WAIT Radio v. FCC, 418 F.2d 1153 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972) (WAIT Radio).

² Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990), citing WAIT Radio, 418 F.2d at 1159.

Burden Per Respondent: 4 hours.
Total Annual Burden Hours: 2,000 hours.

Total Annual Cost: 0.

Frequency of Response: One-time filing requirement.

Needs and Uses: The information filed as part of a petition for waiver will be used to ensure timely compliance with the Commission's E911 regulations, provide the Commission with current information on the status of ALI technology, and thus ensure the dependability and responsiveness of critical E911 services.

Federal Communications Commission.

Kathleen O'Brien Ham,

Deputy Chief, Wireless Telecommunications Bureau.

[FR Doc. 99-1589 Filed 1-20-99; 1:24 pm]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 98-182, PR Docket No. 92-235, DA 98-2651]

1998 Biennial Regulatory Review; Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rules; extension of time for comments.

SUMMARY: This document extends the time to file comments on the *Notice of Proposed Rulemaking* adopted September 30, 1998. Comments on this notice were due January 4, 1999, and reply comments were due on or before January 22, 1999. Pursuant to a request by Land Mobile Communications Council (LMCC), the Commission is extending the time to file comments to afford interested parties the necessary time to coordinate and file substantive comments for the record.

DATES: Comments must be filed on or before January 19, 1999, and reply comments on or before February 3, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, The Portals II, 445 12th St., SW, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Ghassan Khalek, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418-2771 or via E-Mail to gkhalek@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Public Safety and Private Wireless Division's Order, WT Docket No. 98-182, DA 98-2651,

adopted December 30, 1998, and released December 31, 1998. The full text of this Order is available for inspection and copying during normal business hours in the Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 2025 M Street, N.W., Room 8010, 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, D.C. 20037, telephone (202) 857-3800.

Summary of Order

1. On September 30, 1998, the Commission adopted A Notice of Proposed Rulemaking (Notice) in the above-captioned proceeding. Comments on the Notice were due on or before January 4, 1999, and Reply Comments were due on or before January 22, 1999. On December 23, 1998, the Commission received a request for Extension of Time to File Comments filed by the Land Mobile Communications Council.

2. LMCC requests an extension until January 18, 1999, to file comments. It states that this would afford interested parties adequate time to prepare full and complete comments in order that the Commission may develop as complete a record as possible. LMCC indicates that it files comments in proceedings before the Commission with the consensus of, and on behalf of, the vast majority of public safety, business, industrial, private, commercial and land transportation radio users. LMCC points out that the comment deadline falls immediately after an extended holiday period making it difficult for LMCC to develop consensus comments because of the unavailability of many of its members due to travel.

3. It is the policy of the Commission that extensions of time are not routinely granted. Upon review, however, we agree that an extension would afford parties the necessary time to coordinate and file substantive comments for the record. We believe, that a 15 day extension of time, until January 19, 1999, within which to file comments on the Notice should be sufficient. This extension should provide an adequate opportunity for all parties to prepare and file responsive and complete comments in this proceeding.

Ordering Clauses

4. Accordingly, *it is hereby ordered* that the Request for Extension of Time to File Comments filed by LMCC on December 23, 1998, is hereby granted. Parties shall file comments on the Notice no later than January 19, 1999.

Reply comments are due on or before February 3, 1999.

List of Subjects in 47 CFR Part 90

Administrative practice and procedure, Communications equipment, Radio.

Federal Communications Commission.

John Clark,

Deputy Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

[FR Doc. 99-1458 Filed 1-21-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 011399A]

Fisheries of the Northeastern United States; Northeast Multispecies and Monkfish Fisheries; Amendment 1 to the Monkfish Fishery Management Plan (FMP) to Designate Essential Fish Habitat (EFH)

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

ACTION: Notice of availability of Amendment 1 to the Monkfish FMP; request for comments.

SUMMARY: NMFS announces that the New England and Mid-Atlantic Fishery Management Councils have submitted for review and approval by the Secretary of Commerce (Secretary) Amendment 1 to the Monkfish FMP prepared jointly by the New England Fishery Management Council (NEFMC) and the Mid-Atlantic Fishery Management Council. The amendment includes the EFH provisions which implement the requirements of section 303(a)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The amendment describes and identifies EFH for the monkfish fishery, discusses measures to address the effects of fishing on EFH, and identifies other actions for the conservation and enhancement of EFH. The amendment includes no new fishery management measures, so no regulations are proposed. Amendment 1 to the Monkfish FMP is included in the NEFMC's omnibus EFH amendment, which also includes Amendment 11 to the Northeast Multispecies FMP, Amendment 9 to the Atlantic Sea Scallop FMP, Amendment