Dated: November 22, 1999.

Jack E. Housenger,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 99–31213 Filed 11–30–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[DA 99–2605]

Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces a window filing opportunity to allow persons with certain pending requests for new analog (NTSC) television stations to modify their requests, if possible, to eliminate technical conflicts with digital television (DTV) stations and to move from channels 60 through 69. The term ''DTV stations'' here includes DTV allotments, authorized or requested increases in DTV allotment facilities and proposals for new or modified DTV allotments. The window shall open upon the release of this document and close on March 17, 2000.

DATES: The window filing opportunity begins November 22, 1999, and closes March 17, 2000.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Video Services Division, Mass Media Bureau at (202) 418–1600.

SUPPLEMENTARY INFORMATION: This window is available for (1) amendments (other than channel changes) to pending applications for new full-service NTSC television stations on channel 2 through 59, (2) petitions for rule making seeking a new channel below channel 60 for those applicants with pending applications for new full-service NTSC television stations on channels 60 through 69 (in addition, authorized NTSC stations and DTV allotments on channels 60 through 69 can seek permission to relocate to a lower channel at any time, including during this filing window, if they can identify a suitable channel) (3) petitions for rule making seeking a new channel below channel 60 for those applicants with pending applications for new full-service NTSC television stations on channels 2 through 59 at locations inside of the ''TV Freeze Areas'' and (4) amendments to pending rule making petitions to amend the TV Table of Allotments to add NTSC television allotments.

All application amendments, petitions for rule making and amendments to petitions for rule making seeking a new NTSC channel must be filed during this window. Pursuant to the Commission's directive, we will thereafter dismiss all remaining applications on channels 60 through 69, all freeze-area applications on channel 2 through 59 that conflict with a DTV station, and all rulemaking petitions requesting a channel above 59 or a channel that conflicts with a DTV station.

In a related proceeding initiated on September 22, 1999, the Commission is considering the creation of a new ''Class A'' television service, providing some elements of primary status for some low power TV (LPTV) stations. See *Notice of Proposed Rulemaking,* MM Docket No. 99–292, 64 FR 56999 (10/22/99). A question is posed in that proceeding about whether protection should be afforded to NTSC applications and rule making petitions that are pending when the new Class A rules take effect. If the Commission decides in that proceeding that pending NTSC applications and rule making petitions are not to be protected from new Class A stations, and Class A stations are created that conflict with such pending applications or rule making petitions, those NTSC applications and rule making petitions would be dismissed or denied. If the Commission decides that the pending NTSC proposals have priority, applicants for Class A licenses could be required to protect these service proposals.

Background

This window filing opportunity is available only to (1) those persons who filed petitions for rule making on or before July 25, 1996, to add an NTSC channel to the TV Table of Allotments, and (2) persons with applications for new full-service NTSC television stations that were filed on or before September 20, 1996, or applications filed after that date in response to a valid cutoff list. These were the deadlines that the Commission set in its DTV *Sixth Further Notice of Proposed Rule Making* for the filing of rulemaking petitions to add channels to the TV Table of Allotments and new applications for analog stations on vacant allotments. See Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Sixth Further Notice of Proposed Rulemaking,* 61 FR 43209 (8/21/96) (*Sixth Further Notice*). In that *Sixth Further Notice,* the Commission indicated that petitions for rule making that had been filed and open rule making proceedings would be addressed on a case-by-case basis, taking into account the impact on the draft DTV allotment table.

On January 6, 1998, the Commission issued a *Report and Order* in ET Docket No. 97–157 wherein it reallocated the 746–806 MHz band (television channels 60 through 69) for public safety use and commercial fixed, mobile and broadcasting services. See Reallocation of Television Channels 60–69, the 746–806 MHz Band, *Report and Order,* 63 FR 06669 (2/10/98) (*Report and Order*). In that *Report and Order,* the Commission acknowledged that there were pending applications for new NTSC television stations on pre-existing channel 60–69 allotments and also petitions for rulemaking to add new allotments on these channels to the TV allotment table. The Commission decided to not authorize any more new full-service NTSC television stations on channels 60 through 69. Nevertheless, it recognized that those persons with pending applications and/or petitions for new full-service NTSC television stations on those channels had already invested time, money and effort into their applications and petitions. Therefore, the Commission stated that it would not summarily terminate the pending applications and petitions, and it would, at a later date, provide applicants and petitioners an opportunity to amend their applications and petitions, if possible, to a channel below channel 60.

On December 18, 1998, the Commission issued a *Second Memorandum Opinion and Order* in MM Docket No. 87–268 wherein it addressed petitions for reconsideration of its earlier decisions in the DTV proceeding. See Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Order,* 63 FR 13546 (3/20/98) (*Second MO&O*). The Commission acknowledged that there were pending applications for new NTSC television stations at locations for which the Commission had previously frozen the acceptance of applications in order to preserve spectrum for DTV use (TV freeze areas). The Commission had previously not protected these freeze-area applications in the development of the DTV Table of Allotments. Nevertheless, the Commission believed that it was desirable to provide freeze-area applicants with the option to pursue their applications wherever such

application would not conflict with NTSC or DTV stations. Therefore, the Commission stated that it would allow freeze-area applicants whose applications conflict with DTV stations to request a change in their requested NTSC channel or to amend their application to eliminate all such conflicts.

Amendments to Applications (Excluding Channel Changes)

All applicants that are part of a single mutually exclusive (MX) group because their applications now seek the use of the same channel allotment (below 60) must decide as a group whether to pursue a channel change through the petition for rule making process. Members of an MX group that have chosen to remain on their allotted channel may file a settlement agreement with a single corrective amendment to the proposed surviving application. Members of an MX group that do not file a settlement agreement and do not jointly request a channel change in a rule making petition, must each amend their application to eliminate any technical conflict with DTV stations.

Each application amendment filed during this window opportunity must conform with all pertinent legal and technical requirements, including criteria for interference protection to both NTSC and DTV services. Application amendments must meet the minimum distance separations between NTSC stations (47 CFR 73.610) and must protect DTV stations as provided in § 73.623(c), but without any allowance to create *de minimis* interference as defined in § 73.623(c)(2). As indicated, the term ''DTV stations'' here includes DTV authorizations, applications, allotments and rule making proposals. November 1, 1999 was the scheduled due date for most commercial television stations to file DTV construction permit applications. The Mass Media Bureau is currently entering into its computer database the many applications that were filed and expects to complete this entry by the end of the year.

Application amendments may include changes in the ERP, directional antenna pattern, antenna height or site location requested in the application. Application amendments may also request DTV operation, as the Commission indicated in paragraph 41 of the *Second MO&O.* An application amendment to specify DTV operation will be evaluated under the criteria for changing an initial DTV allotment set forth in § 73.622(a) of the rules. Specifically, the channel may be in the range from 2 through 59, and DTV and NTSC stations must be protected by meeting the engineering criteria of § 73.623(c) of the rules. Applying these criteria is consistent with the Commission action in the *Memorandum Opinion and Order on Reconsideration of the Fifth Report and Order* that allows these stations to be converted to DTV operation, even if their channel is outside the core range of 2 through 51. See Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Memorandum Opinion and Order on Reconsideration of the Fifth Report and Order,* 63 FR 15774 (4/1/98) (*Memorandum Opinion and Order on Reconsideration of the Fifth Report and Order*).

Petitions for Rule Making To Specify a New Channel or Amendments of Petitions

A change of an NTSC allotment channel must be requested by filing a petition for rule making seeking such a change. A channel change may *not* be requested through an amendment to a pending application. However, there are 2 applications (for channel 64 in Charlottesville, VA) that have been through an extended process of comparative hearing, court appeal, and remand to the Commission. They currently have pending a settlement agreement and an application amendment that specify a different channel. Because of the age and unique history of those applications and because they are currently before the Commission, the Bureau will not require the filing of a rule making petition. Rulemaking petitions or amendments to pending petitions must retain the community of license specified in the pending television application or rulemaking petition.

Such petitions for rule making filed during this window by freeze-area applicants on channels below 60 must also demonstrate that interference to a DTV station (which could be a DTV allotment, a proposed change in a DTV allotment, or an application to change a DTV station's facilities) would be caused if the requested channel change is not made. Such a petition may request a DTV channel as the replacement for the NTSC channel allotment, as the Commission indicated in paragraph 42 of the *Second MO&O.* A petition seeking a DTV allotment under these circumstances will be evaluated under the criteria for changing an initial DTV allotment set forth in § 73.622(a) of the rules. Specifically, the channel may be in the range from 2 through 59, and DTV and NTSC stations must be protected by meeting the engineering criteria of § 73.623(c) of the rules.

Where multiple applications have been filed for a single NTSC channel allotment, a petition for rulemaking must propose a single replacement channel (below 60), to which all applicants agree to modify their applications.

Persons with pending rulemaking petitions for channels 60 through 69 should amend their petitions to specify a channel below channel 60. Persons with pending rulemaking petitions for channels 2 through 59 should amend their petitions to specify a different channel below channel 60 if their requested channel is in conflict with a DTV station. New and amended rulemaking petitions submitted during this window filing opportunity will be subject to our normal notice and comment procedures. However, as the Commission indicated in the *Sixth Further Notice* and reiterated in the *Second MO&O,* new proposals for additional NTSC channel allotments will not be accepted. Therefore, new parties may not counterpropose a new NTSC allotment in the same or nearby communities. The opportunity for filing counterproposals is limited to those parties with existing petitions and applications that are the subject of this filing window. When a rule making proceeding has been started by a Notice of Proposed Rule Making, conflicting proposals must be filed in initial comments, pursuant to the procedures for consideration of counterproposals. Rulemaking petitions and amendments to pending petitions filed during this window opportunity must conform with all pertinent legal and technical requirements, including pertinent criteria for interference protection to NTSC and DTV services. Allotment proposals must meet the minimum distance separations between NTSC stations (47 CFR 73.610). Petitions to *change* the channel of an existing allotment must protect DTV stations as provided in § 73.623(c), but without any allowance to create *de minimis* interference as defined in § 73.623(c)(2). Amendments to existing petitions to *add* a new NTSC channel allotment must meet the minimum distance separations to DTV stations as provided in § 73.623(d). As indicated above, the term ''DTV stations'' here includes DTV authorizations, applications, allotments and proposals. November 1, 1999 was the scheduled due date for most commercial television stations to file DTV construction permit applications. The Mass Media Bureau is currently entering into its computer database the many applications that were filed and

expects to complete this entry by the end of the year.

In developing proposed amendments to the allotment table, petitioners are advised that they should consider, to the extent possible, authorized LPTV and TV translator stations. An allotment Report and Order that adds a new channel to the NTSC table of allotments will specify a period of time for the filing of applications (using FCC Form 301) for a new NTSC TV station construction permit.

Associated applications will remain pending as long as there is pending a petition for rulemaking seeking an alternate channel. An allotment Report and Order changing a channel allotment will specify a period of time for the filing of amendments to pending applications (using FCC Form 301), for the modified channel allotment. Such amendments to pending applications will be considered minor and the applications will retain their original file numbers.

MX Group Resolution

To encourage settlements among mutually exclusive applicants, we will waive for this special window filing opportunity the rule that limits reimbursements of applicants to legitimate and prudent expenses. See 47 CFR 73.3525(a)(3). Those applications for particular commercial channel allotments below 60 that continue to be mutually exclusive after the completion of the amendment process will be resolved by use of the Commission's new broadcast competitive bidding rules. Consistent with those rules, wherever two or more applications were pending for the same allotment before July 1997, the group is closed and no additional applications for the allotment (on the new channel) will be accepted. Wherever a single application was pending for an allotment before July 1997, and that application has not been ''cutoff'' against the filing of competing applications, the application (as amended) will be subject to competing applications in accordance with the Commission's auction filing window procedures to be announced at a later date.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–31115 Filed 11–30–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register.**

Agreement No.: 201094

Title: Tampa—Harborside Refrigerated Marine Terminal Agreement

Parties: Tampa Port Authority Harborside Refrigerated Services, Inc.

Synopsis: The proposed agreement provides for a wharfage incentive. The agreement runs through November 25, 2000.

Dated: November 26, 1999.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–31206 Filed 11–30–99; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediaries pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants.

E & H Transport Network, Inc., 2180 Las Palmas Drive, Carlsbad, CA 92009; Officers: Oren Zaslansky, President (Qualifying Individual), Ella Heldes, Secretary

Galax, Inc., 147–27 175th Street, Jamaica, NY 11434; Officers: Elio Levy, Exec. Vice President (Qualifying Individual), Cyril Charbaut, Vice President

Shanghai Jin Hai-Jet Air International, Forwarding Company Limited, Shartez Plaza, Suite 2502, No. 88, Zun Yi Nan, Shanghai, China; Officers: Bonko Chan, Exec. Vice President (Qualifying Individual)

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Delmar Steamship Agency, Inc., 1670 N.W. 94th Avenue, Miami, FL 33172–2836; Officers: Rosa Del Dago, Vice President (Qualifying Individual), Manuel Del Dago, President

U.S. Brokers (OS) Inc., 331–333 Northern Avenue, Boston, MA 02110; Officer: Louise Mailly, President (Qualifying Individual)

NCD Global Inc., 400 Maltese Drive, Totowa, NJ 07512; Officers: Charles Drumm, President (Qualifying Individual), Maria McKenna, Vice President

Palumbo USA Inc., 1 Exchange Place, Suite 1000, Jersey City, NJ 07302–3911; Officers: Ralph Di Rado, Vice President (Qualifying Individual), Anthony J. Pruzinsky, Director

Ocean Freight Forwarders—Ocean Transportation Intermediary, Applicants

Hexcorps Inc., 14730 Treborway Drive, Houston, TX 77014–1127; Officers: Samad A. Lateef, President (Qualifying Individual), Mussadqa B. Lateef, Vice President

GFAST Inc., 18201 Viscount Bldg. G, Suite 300, Houston, TX 77032; Officers: Gail W. Milholland, Operations Manager (Qualifying Individual), Brahim Abid Charef, Vice President

5K Logistics, Inc., 1040 Sandy Ridge Road, Doylestown, PA 18901; Officer: Paul J. McGrath, President (Qualifying Individual)

Transcar Auto Shippers Inc., 2401 Houston Street, Grand Prairie, TX 75050; Officers: Sandra Kay Lester, President (Qualifying Individual), Ernst U. Grossmann, Vice President

International Forwarders Inc., 501–C Industrial Street, Lake Worth, FL 33461; Officer: Christopher L. Atwell, President (Qualifying Individual)

Dated: November 26, 1999.

Bryant L. VanBrakle,

Secretary,

[FR Doc. 99–31205 Filed 11–30–99; 8:45 am]

BILLING CODE 6730–01–P