(4) The cargo box side and end coamings are watertight.

(5) All manholes are covered and secured watertight.

(6) All voids are free of excess water.

(7) Precautions have been taken to prevent shifting of cargo.

(c) *Verifications.* On voyages north of St. Joseph, the towing vessel master must contact a mooring/docking facility in St. Joseph, Holland, Grand Rapid, and Muskegon to verify that sufficient space is available to accommodate the tow. The tow cannot venture onto Lake Michigan without confirmed space available.

(d) *Log entries.* Before getting underway, the towing vessel master must note in the logbook that the pre-departure barge inspections, verification of mooring/docking space availability, and weather forecast checks were performed.

§ 45.193 What are the towboat power requirements?

The towing vessel must meet the following requirements:

(a) *General.* Have adequate horsepower to handle the tow, but not less than the amount specified for the route in this section.

(b) *Milwaukee, Burns Harbor, and St. Joseph routes.* Have a minimum of 1,000 HP.

(c) *Muskegon route.* Have a minimum of 1,000 HP to St. Joseph and a minimum of 1,500 HP from St. Joseph to Muskegon.

§ 45.195 What are the additional equipment requirements for towboats on the Muskegon route?

The additional equipment requirements for towboats on the Muskegon route that go beyond St. Joseph are as follows:

(a) *Communication equipment.* Two independent voice communication systems in operable condition, such as Very High Frequency (VHF) radio, radiotelephone, or cellular phone. At least two persons aboard the vessel must be capable of using the communication systems.

(b) *Cutting gear.* Equipment that can quickly cut the towline at the towing vessel. The cutting gear must be in operable condition and appropriate for the type of towline being used, such as wire, polypropylene, or nylon. At least two persons aboard the vessel must be capable of using the cutting gear.

§ 45.197 What are the operational plan requirements for the Muskegon route?

The towing vessel on the Muskegon Route must have aboard an operational plan that is available for ready reference by the master. The plan must include the following:

(a) The cargo limitations, the general operational requirements, and the special operational requirements of this subpart.

(b) A list of mooring and docking facilities (with phone numbers and area codes) in St. Joseph, Holland, Grand Haven, and Muskegon that can accommodate the tow.

(c) A list of towing firms (with phone numbers and area codes) that have the capability to render assistance to the tow, if required.

(d) Guidelines for possible emergency situations, such as barge handling under adverse weather conditions, and other emergency procedures.

Dated: October 20, 1998.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98–29245 Filed 10–30–98; 8:45 am]

BILLING CODE 4910–15–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[DA 98–2112]

Federal-State Joint Board; En Banc Meeting on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; en banc meeting.

SUMMARY: The Commission has released a Public Notice that announces an en banc to discuss whether the goal of affordable telephone service is being met and whether there are policies that the Joint Board should consider recommending to continue to meet the goal of affordable service. Participants also will discuss whether federal state regulators are adequately informing consumers of the issues surrounding the new competitive marketplace and the new federal universal service support mechanisms.

DATES: Thursday, October 29, 1998, from 1:00 p.m. to 5:00 p.m.

ADDRESSES: The en banc will be held in the Commission Meeting Room (Room 856) at 1919 M Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Lori Wright at (202) 418–7391.

SUPPLEMENTARY INFORMATION: The en banc is open to the public, and seating will be available on a first come, first served basis. A transcript of the en banc will be available 10 days after the event on the FCC's Internet site. The URL address for the FCC's Internet Home Page is <http://www.fcc.gov>. The en banc will also be carried live on the Internet. Internet users may listen to the real-time audio feed of the en banc by accessing the FCC Internet Audio Broadcast Home Page. Step-by-step instructions on how to listen to the audio broadcast, as well as information regarding the equipment and software needed, are available on the FCC Internet Audio Broadcast Home Page. The URL address for this home page is http://www.fcc.gov/realaudio/. Audio and video tapes of the en banc may be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, by calling Infocus at (703) 834–0100 or by faxing infocus at (703) 834–0111.

Federal Communications Commission.

Lisa S. Gelb,

Chief, Accounting Policy Division, Common Carrier Bureau.

[FR Doc. 98–29105 Filed 10–27–98; 3:38 pm]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 96–86; FCC 98–191]

The Development of Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Establishment of Rules and Requirements for Priority Access Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission (Commission) adopted a *Third Notice of Proposed Rule Making* (''*Third Notice*'') contemporaneously with a *First Report and Order* (''*First Report*'') that is summarized elsewhere in this edition of the **Federal Register**. By its *Third Notice*, the Commission makes a range of proposals and seeks comment relating to public safety communications in the 746–806 MHz band (''700 MHz band'') and in general. The Commission invites comment on how to license the 8.8 megahertz of 700 MHz band spectrum designated as reserved in the *First Report* and on whether to directly license each state or use a regional planning process to administer the nationwide interoperability frequencies (2.6 MHz of spectrum designated in the *First Report*) pursuant to the national interoperability plan to be established by the National

Coordination Committee. The *Third Notice* also discusses protection requirements for the Global Navigation Satellite Systems and offers proposals to facilitate use of nationwide interoperability in public safety bands below 512 MHz. Finally, because many of the automated and intelligent machines and systems on which public safety entities depend for their operations were not designed to take into account the date change that will occur on January 1, 2000, the Commission also seeks comment on how best to ascertain the extent, reach, and effectiveness of Year 2000 compliance initiatives that have been or are being undertaken by public safety entities, to better understand the nature of the Year 2000 problem and the potential risks posed to public safety communications networks.

This action addresses an urgent need for additional public safety radio spectrum and the need for nationwide interoperability among local, state, and federal entities. By this action, the Commission also takes additional steps toward achieving its goals of developing a flexible regulatory framework to meet vital current and future public safety communications needs and ensuring that sufficient spectrum to accommodate efficient, effective telecommunications facilities and services will be available to satisfy public safety communications needs into the 21st century.

DATES: Comments are due on or before January 4, 1999, and reply comments are due on or before February 1, 1999. Written comments by the public on the proposed information collections are due January 4, 1999. Written comments on the proposed information collections must be submitted by the Office of Management and Budget (OMB) on or before January 4, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, Room 222, Washington, D.C. 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725–17th Street, N.W., Washington, D.C. 20503, or via the internet to fain__t@eop.gov.

FOR FURTHER INFORMATION CONTACT: Peter Daronco or Michael Pollak, at the Public Safety & Private Wireless Division, (202) 418–0680. For additional information concerning the information collections contained in this *Third Notice,* contact Judy Boley at (202) 418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Third Notice in WT Docket No. 96–86, adopted on August 6, 1998, and released on September 29, 1998, contemporaneously with a *First Report* in WT Docket No. 96–86 (collectively FCC 98–191). The *First Report* is summarized elsewhere in this edition of the **Federal Register**. The full text of the *First Report and Third Notice* 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 of this decision may also be purchased from the Commission's duplicating contractor, International Transcription Services, 1231 20th Street, NW, Washington, DC 20036, 202–857–3800. Alternative formats (computer diskette, large print, audio cassette and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418–0260, TTY (202) 418–2555, or at mcontee@fcc.gov. The complete (but unofficial) text is also available under the name ''fcc98191.wp'' on the Commission's Internet site at <http://www.fcc.gov/Bureaus/Wireless/Orders/1998/index.html≤.

Paperwork Reduction Act

The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060–0262.

Title: 90.179 Shared use of radio stations.

Form No.: N/A.

Type of Review: Revision of a previously approved collection.

Respondents: Business or other for-profit, State and local governments.

Number of Respondents: 41,000.

Estimated Time Per Response: .75 hours per respondent.

Total Annual Burden: 30,750 hours.

Total Annual Cost: No annual cost burden on respondents from either capital or setup costs.

Needs and Uses: The *Third Notice* in WT Docket No. 96–86 invites comment on how to license 8.8 megahertz of spectrum in the 700 MHz band that is allocated for public safety services. For example, comment is sought on whether to license 700 MHz band spectrum directly to each individual state; the Commission further invites comment on whether to revise § 90.179 to allow state licensees to authorize approximately 39,000 additional public safety agencies within the states and their political subdivisions to use the spectrum. We assume that the respondents would spend .75 hours to keep a written sharing agreement as part of the station records.

OMB Approval Number: 3060–XXXX.

Title: State Public Safety Regional Plans & Year 2000 Readiness.

Form No.: N/A.

Type of Review: New collection.

Respondents: State and local governments.

Number of Respondents: 100,050.

Estimated Time Per Response: 6.49 hours per respondent.

Total Annual Burden: 649,500 hours.

Total Annual Cost: No annual cost burden on respondents from either capital or setup costs.

Needs and Uses: The *Third Notice* in WT Docket No. 96–86 invites comments on how to license 8.8 megahertz of spectrum in the 700 MHz band that is allocated for public safety services. For example, comment is sought on whether to license 700 MHz band spectrum directly to each individual state and, if so, whether the state licensee should have to adhere to the same planning process as the Regional Planning Committees. We assume that the individual states would spend 10,270 hours to complete its public safety communications plan. The *Third Notice* in WT Docket No. 96–86 also invites comments on possible alternative methods of obtaining the current state of

Y2K readiness and the progress and range of compliance initiatives that have been taken in the public safety community. We assume that the individual entities would spend 1 hour to file this information with the Commission.

Synopsis of the Third Notice of Proposed Rulemaking

1. In accordance with the 1997 Budget Act, the Commission allocated 24 megahertz of spectrum in the 700 MHz band for public safety services. By its *First Report*, the Commission designated 12.6 megahertz of this new spectrum for General Use, 2.6 megahertz of this new spectrum for nationwide interoperability. The remaining frequencies (a total of 8.8 megahertz of the new spectrum) were reserved and the *Third Notice* seeks comment on how to license this 8.8 megahertz of spectrum. Specifically, we request comment on whether some or all of the reserve spectrum should be licensed by means of the regional planning committee (RPC) process or directly to each state for deployment of statewide systems. The *Third Notice* also invites commenters to suggest other proposals for licensing of the 8.8 megahertz of spectrum.

2. The Commission also seeks comment on whether the channels designated in the *First Report* for nationwide interoperability (2.6 megahertz of the 700 MHz band subject to interoperability guidelines to be recommended by the NCC and approved by the Commission) should be licensed by means of the RPC process or licensed directly to each state.

3. In response to the extensive public safety comments submitted in this record that additional interoperability spectrum is needed below 512 MHz to fully address interoperability nationwide, we examine three additional possible interoperability solutions. The Commission proposes to designate five channels in each of the existing public safety bands at 150–174 MHz and 450–512 MHz for mutual aid purposes. We also seek further comment on the need for a separate interoperability band below 512 MHz. Specifically, we seek comment on the feasibility of using the 138–144 MHz band currently used by the U.S. Department of Defense and the Federal Emergency Management Agency as a separate interoperability band. *See* Petition of the National Public Safety Telecommunications Council for Further Rulemaking to Allocate Spectrum in the 138–144 MHz Band for Public Safety (April 9, 1998). The Commission also seeks comment on our proposed reallocation of two channel pairs in the VHF 156–162 MHz band for interoperable channels of communication in 33 Economic Areas (EAs), which are now available for assignment to public safety entities. These channel pairs were formerly allocated in § 80.371 of the Commission's Rules for VHF Public Coast Stations as public correspondence channels and were also shared under § 90.283.

4. We also propose technical solutions and invite comments on how to protect certain global navigation satellite systems, particularly the Global Orbiting Navigation Satellite Systems (GLONASS) and Global Positioning System (GPS). GLONASS utilizes the Radionavigation-Satellite Service (space-to-Earth) band of 1598–1605 MHz. We are concerned that second harmonic emissions from public safety equipment operating in the 794–806 MHz band (TV channels 68 and 69) may cause harmful interference to aeronautical users of GLONASS and GPS receivers and seek further comment to supplement the record on this matter.

5. We also seek comment on how best to ascertain the extent, reach, and effectiveness of Year 2000 compliance initiatives that have been or are being undertaken by public safety entities, so that we can better understand the nature of the Year 2000 problem and the potential risks it poses to public safety communications networks.

Administrative Matters

6. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before January 4, 1999, and reply comments are due on or before February 1, 1999. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. Comments may be filed using the Commission's Electronic Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (May 1, 1998).

7. To file formally in this proceeding, parties who choose to file by paper must file an original and four copies of each filing. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 1919 M St., N.W., Room 222, Washington, D.C. 20554. Parties who choose to file by paper should also submit their comments on diskette to: Peter Daronco, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, Room 8332, 2025 M Street, N.W., Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette should be clearly labelled with the commenter's name, proceeding (including the lead docket number in this case, WT Docket No. 96–86), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

8. Comments filed through the ECFS can be sent as an electronic file via the Internet to<http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply.

9. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. 20554. Copies of comments and reply comments are available through the Commission's duplicating contractor: International Transcription Services,

Inc. (ITS, Inc.), 1231 20th Street, N.W., Washington, D.C. 20036 (202) 857–3800.

10. The *Third Notice* in WT Docket No. 96–86 also contained an Initial Regulatory Flexibility Act Analysis pursuant to the Regulatory Flexibility Act, 5 U.S.C. § 603. It is substantially as follows:

As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in the present *Third Notice of Proposed Rule Making* (*Third Notice*). *See* 5 U.S.C. § 603. The RFA, 5 U.S.C. § 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Third Notice* as provided above in the Procedural Matters section of this *First Report and Order and Third Notice of Proposed Rule Making.* The Commission will send a copy of the *Third Notice,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. § 603(a).

Paperwork Reduction Analysis

In addition, comments on information collections contained in the *Third Notice of Proposed Rule Making* should be filed with Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20554, or via the Internet to jboley@fcc.gov. Furthermore, a copy of any such comments should be submitted to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street, N.W., Washington, D.C. 20503 or via the Internet at fain__t@al.eop.gov. For additional information regarding the information collections contained herein, contact Judy Boley.

Ex Parte Presentations

This *Third Notice* is a permit-but-disclose notice and comment rule making proceeding. Ex parte presentations are permitted, provided they are disclosed as provided in Commission rules. *See* generally §§ 1.1202, 1.1203, and 1.1206(a) of the Commission's Rules, 47 CFR 1.1202, 1.1203, 1.1206(a).

Need for, and Objectives of, the Proposed Rules

In the *Third Notice* herein, we are continuing our evaluation of rules applicable to existing public safety spectrum allocations as well as those in the 700 MHz band. We seek comment on whether we should license a portion of the 700 MHz band to the regional planning committees, directly to each state or in some other manner. In addition, we propose technical criteria to protect satellite-based global navigation systems from interference. We also seek comment on proposals to promote interoperability on public safety channels below 512 MHz. Additionally, we seek comments related to the Year 2000 computer date change problem.

Legal Basis

The proposed action is authorized under Sections 4(i), 302, 303(f) and (r), 332, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 302, 303(f) and (r), 332, 337.

Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

This IRFA may affect the same entities described in detail in the FRFA for the *First Report.* We hereby incorporate that analysis into this section.

Public Safety Radio Pool Licensees. As a general matter, Public Safety Radio Pool licensees include police, fire, local government, forestry conservation, highway maintenance, and emergency medical services. Spectrum in the 700 MHz band for public safety services is governed by 47 U.S.C. § 337. Non-Federal governmental entities as well as private businesses are licensees for these services. As indicated *supra* in para. 5 of the FRFA, all governmental entities with populations of less than 50,000 fall within the definition of a small entity. *See* 5 U.S.C. § 601(5). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. *See* 5 U.S.C. § 601(3). A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Small Business Act, 15 U.S.C. § 632 (1996). A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' 5 U.S.C. § 601(4). Nationwide, as of 1992, there were approximately 275,801 small organizations. 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration). ''Small governmental jurisdiction'' generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.'' 5 U.S.C. § 601(5). As of 1992, there were approximately 85,006 such jurisdictions in the United States. *See* U.S. Dept. of Commerce, Bureau of the Census, ''1992 Census of Governments.'' This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (91 percent) are small entities. Below, we further describe and estimate the number of small entity licensees and regulatees that may be affected by the proposed rules, if adopted.

Radio and Television Equipment Manufacturers. We anticipate that at least six radio equipment manufacturers will be affected by our decisions in this proceeding. According to the SBA's regulations, a radio and television broadcasting and communications equipment manufacturer must have 750 or fewer employees in order to qualify as a small business concern. *See* 13 CFR 121.201, (SIC) Code 3663. Census Bureau data indicate that there are 858 U.S. firms that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would therefore be classified as small entities. *See* U.S. Dept. of Commerce, *1992 Census of Transportation, Communications and Utilities* (issued May 1995), SIC category 3663. We do not have information that indicates how many of the six radio equipment manufacturers associated with this proceeding are among these 778 firms. However, Motorola and Ericsson are major, nationwide radio equipment manufacturers, and, thus, we conclude that these manufacturers would *not* qualify as small businesses.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

The *Third Notice* proposes a number of rules that will entail reporting, recordkeeping, and/or third party consultation. However, the Commission believes that these requirements are the minimum needed. The *Third Notice* asks for comment on alternative

licensing methods for certain portions of the 700 MHz band. The licensing methods under consideration in the Notice include the possibility of imposing recordkeeping and reporting requirements on applicants for public safety licenses who may be required to make submissions to planning committees justifying their requests for spectrum. These entities will be required to submit applications for spectrum licenses on Form 601.

Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

We have reduced economic burdens wherever possible. This item seeks comment on whether we should license a portion of the 700 MHz band to the regional planning committees, directly to each state or in some other manner to meet public safety needs, and contains proposals to promote interoperability on public safety channels below 512 MHz. This approach will allow the public safety community to help determine better efficiencies for all licensees subject to the new service rules, which if adopted, will provide technically advanced communications capabilities, including small entities that are often unable to fund the required infrastructure to support these modern systems.

Recognizing the budgetary constraints that public safety entities face as a matter of course, the PSWAC Steering Committee's findings and recommendations included the following: (1) more sharing and joint use should be encouraged; (2) broad based efforts, such as projects on the state and regional level, to coordinate and consolidate operations are critical to articulating and meeting the needs of public safety with cost effective, spectrally efficient radio systems; (3) more flexible licensing policies are needed to encourage the use of the most spectrally-efficient technology to meet user defined needs; and (4) the Commission should consider block allocations for public safety use.

The PSWAC Interoperabilty Subcommittee noted that shared systems, *i.e.*, large trunked systems which provide service to many governmental entities in a specific geographical area, offer a high greater spectrum efficiency than many smaller non-trunked systems or systems trunked on fewer channels. Shared systems also offer a high level of built-in interoperability. The most significant difficulty in establishing these types of shared systems, according to the *PSWAC Final Report*, is probably that they require individual agencies to surrender some autonomy in return for the efficiencies and better coverage of the larger system. In addition, the funding required to develop the infrastructure necessary to support some of the newer technologies is often too great to permit small public safety agencies to participate in new, sophisticated, spectrum efficient wireless radio systems. These same agencies, however, might be able to participate in a county-wide or state-wide system. The use of shared systems in the public safety community has also been hindered by the current licensing process, according to the *PSWAC Final Report*. In fact, the Commission has long encouraged public safety agencies to develop wide-area multi-agency trunked public safety radio systems. Area-wide licenses often encourage the rapid development and deployment of innovative service, facilitate interoperability and operational standards while allowing economies of scale that encourage the development of low cost equipment. *See, e.g.*, Amendment of the Commission's Rules to Establish Part 27, the Wireless Communications Service, GN Docket No. 96–228, *Report and Order*, 12 FCC Rcd 10785, 10814 (1997).

With these considerations in mind, the *Third Notice* seeks comment on whether to license a portion of the 700 MHz band to the regional planning committees, directly to each state or in some other manner to meet public safety needs.

To minimize any negative impact resulting from the implementation of licensing, we have offered the option of utilizing the existing infrastructure of the Public Safety Regions. The regulatory burdens we have retained, such as filing applications on appropriate forms, are necessary in order to ensure that the public receives the benefits of innovative new services in a prompt and efficient manner.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

Ordering Clauses

11. Authority for issuance of this *First Report and Order and Third Notice of Proposed Rule Making* is contained in Sections 4(i), 302, 303(f) and (r), 332, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 302, 303(f) and (r), 332, 337.

12. It is further ordered that the Wireless Telecommunications Bureau shall take all necessary steps, pursuant to the Federal Advisory Committee Act, 5 U.S.C., App., to establish a Public Safety National Coordination Committee, and charge the Committee with the duty, among others to be set forth in the Committee Charter, with recommending a national interoperability operational plan for review and approval by the Commission as well as the technical standards in accordance with American National Standards Institute process to apply to all public safety interoperability channel equipment.

13. Notice is hereby given and comment is sought on the proposed regulatory changes described in the *Third Notice of Proposed Rule Making.*

14. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this *First Report and Order and Third Notice of Proposed Rule Making,* including the Final and Initial Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 90

Communications equipment, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 90 as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 251–2, 303, 309, 332 and 337, 48 Stat 1066, 1082, as amended; 47 U.S.C. 154, 251–2, 303, 309 and 337, unless otherwise noted.

2. Section 90.1 is amended by revising paragraph (b), to read as follows:

§ 90.1 Basis and purpose.

* * * * *

(b) *Purpose.* This part states the conditions under which radio communications systems may be licensed and used in the Public Safety, Special Emergency, Industrial, Land Transportation and Radiolocation Services. These rules do not govern the licensing of radio systems belonging to and operated by the United States.

3. Section 90.20 is amended by adding ''78'' to the ''Limitations'' column for nine of the existing entries in the table in paragraph (c)(3), by adding a new paragraph (d)(78), and by adding a new paragraph (g) to read as follows:

§ 90.20 Public Safety Pool.

* * * * *

(c) * * *

(3) * * *

PUBLIC SAFETY POOL FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations	Coordinator
* * *	* * *		*
151.1375	Base or mobile	27, 28, 78	PH.
* * *	* * *		*
154.4525	Base or mobile	27, 28, 78	PF.
* * *	* * *		*
155.7525	Base or mobile	27, 78	PX.
* * *	* * *		*
158.7375	Base or mobile	27, 78	PP.
* * *	* * *		*
159.4725	Base or mobile	27, 78	PO.
* * *	* * *		*
453.20625	Base or mobile	44, 78	PX.
* * *	* * *		*
453.99375	Base or mobile	44, 78	PX.
* * *	* * *		*
458.20625	Mobile	44, 78	PX.
* * *	* * *		*
458.99375	Mobile	44, 78	PX.
* * *	* * *		*

(d) * * *

(78) These channels are designated for interoperability-only use.

* * * * *

(g) VPC interoperability frequencies.—(1) Working channels in the VHF 156–162 MHz band. The channel pairs listed in the tables below were formerly allocated in § 80.371 of this chapter for VHF Public Coast Stations as public correspondence channels numbered 25, 84, and 85 and were also shared under former § 90.283 by Industrial and Land Transportation Radio Service (I/LT) stations and grandfathered public safety stations. The 25 kHz channel pairs are available exclusively for assignment to public safety entities for interoperable channels of communication only in the Economic Areas (EAs) as shown in Table A.

(2) Service areas in the marine VHF 156–162 MHz band are VHF Public Coast areas (VPCs). As listed in Table A of this paragraph, these areas are based on, and composed of one or more of, the U.S Department of Commerce's 172 Economic Areas (EAs). See 60 FR 13114 (March 10, 1995). Maps of the EAs and VPCs are available for public inspection and copying at the Public Safety and Private Wireless Division, room 8010, 2025 M Street, NW, Washington, DC.

TABLE A.—LIST OF CHANNELS AVAILABLE BY PUBLIC COAST AREA

[VHF Public Coast Areas (VPCs)]

VPCs	EAs	Channel pairs
1. (Northern Atlantic)	1–5, 10	None.
2. (Mid-Atlantic)	9, 11–23, 25, 42, 46	None.
3. (Southern Atlantic)	24, 26–34, 37, 38, 40, 41, 174	None.
4. (Mississippi River)	34, 36, 39, 43–45, 47–53, 67–107, 113, 116–120, 122–125, 127, 130–134, 176.	None.
5. (Great Lakes)	6–8, 54–66, 108, 109	None.
6. (Southern Pacific)	160–165	None.
7. (Northern Pacific)	147, 166–170	None.
8. (Hawaii)	172, 173, 175	None.
9. (Alaska)	171	None.
10. (Grand Forks)	110	25, 84.
11. (Minot)	111	25, 84.
12. (Bismarck)	112	25, 84.
13. (Aberdeen)	114	25, 84.
14. (Rapid City)	115	25, 84.
15. (North Platte)	121	25, 84.
16. (Western Oklahoma)	126	25, 85.
17. (Abilene)	128	25, 85.

TABLE A.—LIST OF CHANNELS AVAILABLE BY PUBLIC COAST AREA—Continued

[VHF Public Coast Areas (VPCs)]

VPCs	EAs	Channel pairs
18. (San Angelo)	129	25, 85.
19. (Odessa-Midland)	135	25, 85.
20. (Hobbs)	136	25, 85.
21. (Lubbock)	137	25, 85.
22. (Amarillo)	138	25, 85.
23. (Santa Fe)	139	25, 84.
24. (Pueblo)	140	25, 84.
25. (Denver-Boulder-Greeley)	141	25, 84.
26. (Scottsbluff)	142	25, 84.
27. (Casper)	143	25, 84.
28. (Billings)	144	25, 84.
29. (Great Falls)	145	25, 84.
30. (Missoula)	146	25, 84.
31. (Idaho Falls)	148	25, 85.
32. (Twin Falls)	149	25, 85.
33. (Boise City)	150	25, 84.
34. (Reno)	151	25, 84.
35. (Salt Lake City-Ogden)	152	25, 85.
36. (Las Vegas)	153	25, 84.
37. (Flagstaff)	154	25, 84.
38. (Farmington)	155	25, 84.
39. (Albuquerque)	156	25, 84.
40. (El Paso)	157	25, 85.
41. (Phoenix-Mesa)	158	25, 84.
42. (Tucson)	159	25, 84.

TABLE B.—LIST OF CHANNEL CENTER FREQUENCIES BY CORRESPONDING CHANNEL NUMBER

Channel No.	Base station transmit center frequency in MHz	Mobile station transmit center frequency in MHz
25	161.850	157.250
84	161.825	157.225
85	161.875	157.275

(3) Public safety eligible applicants shall apply for these channel pairs only for the purpose of interoperability using the following standards and procedures:

(i) All applicants must comply with the relevant technical sections under this part unless otherwise stated in this section and provide evidence of frequency coordination in accordance with § 90.175.

(ii) Station power, as measured at the output terminals of the transmitter, must not exceed 50 Watts for base stations and 20 Watts for mobile stations, except in accordance with the provisions of paragraph (vi) of this section. Antenna height (HAAT) must not exceed 122 meters (400 feet) for base stations and 4.5 meters (15 feet) for mobile stations, except in accordance with paragraph (vi) of this section. Such base and mobile channels shall not be operated on board aircraft in flight.

(iii) Frequency protection must be provided to other stations in accordance with the following guidelines for each channel and for each area and adjacent area:

(A) Protect coast stations licensed prior to July 6, 1998, by the required separations shown in Table C.

(B) Protect I/LT stations by frequency coordination in accordance with § 90.175 of this part.

(C) Protect other public safety stations by frequency coordination and by agreement with the other public safety stations.

(D) *Where the Public Safety designated channel is not a Public Safety designated channel in an adjacent EA:* Applicants shall engineer base stations such that the maximum signal strength at the boundary of the adjacent EA does not exceed 5 dBμV/m.

(iv) The following table, along with the antenna height (HAAT) and power (ERP), must be used to determine the minimum separation required between proposed base stations and co-channel public coast stations licensed prior to July 6, 1998, under part 80 of this chapter. Applicants whose exact ERP or HAAT are not reflected in the table must use the next highest figure shown.

TABLE C.—REQUIRED SEPARATION IN KILOMETERS (MILES) OF BASE STATION FROM PUBLIC COAST STATIONS

Base Station Characteristics					
HAAT	ERP (watts)				
Meters (feet)	400	300	200	100	50
15 (50)	138 (86)	135 (84)	129 (80)	129 (80)	116 (72)

TABLE C.—REQUIRED SEPARATION IN KILOMETERS (MILES) OF BASE STATION FROM PUBLIC COAST STATIONS—Continued

Base Station Characteristics					
HAAT	ERP (watts)				
Meters (feet)	400	300	200	100	50
30 (100)	154 (96)	151 (94)	145 (90)	137 (85)	130 (81)
61 (200)	166 (103)	167 (104)	161 (100)	153 (95)	145 (90)
122 (400)	187 (116)	177 (110)	183 (114)	169 (105)	159 (99)

(v) In the event of interference, the Commission may require, without a hearing, licensees of base stations authorized under this section that are located within 241 kilometers (150 miles) of a co-channel public coast, I/LT, or grandfathered public safety station licensed prior to July 6, 1998, or an international border, to reduce power, decrease antenna height, and/or install directional antennas. Mobile stations must be operated only within radio range of their associated base station.

(vi) Applicants seeking to be licensed for stations exceeding the power/antenna height limits of the table in paragraph (iv) of this section must request a waiver of that paragraph and must submit with their application an interference analysis, based upon an appropriate, generally-accepted terrain-based propagation model, that shows that co-channel protected entities, described in paragraph (iii) of this section, would receive the same or greater interference protection than the relevant criteria outlined in paragraph (iii) of this section.

4. Section 90.179 is amended by revising paragraph (a) to read as follows:

§ 90.179 Shared use of radio stations.

* * * * *

(a) Persons may share a radio station only on frequencies for which they would be eligible for a separate authorization. Licensees under Subpart R may share the use of their systems with any entity that would be eligible for licensing under § 90.523 and Federal government entities.

* * * * *

5. A new section 90.553 is added to read as follows:

§ 90.553 GNSS protection.

In order to provide adequate protection to receivers of the Global Navigation Satellite System (GNSS) which will utilize the Radionavigation-Satellite Service (space-to-Earth) band, mobile units must meet a minimum second harmonic suppression standard in the frequency range of 1559–1605 MHz of 90 dB down from the maximum effective radiated power of the carrier and handhelds and portable units must meet a minimum second harmonic suppression standard in the frequency range of 1559–1605 MHz of 80 dB down from the maximum effective radiated power of the carrier. This standard applies only to equipment operating in the frequency range of 779.5–802.5 MHz.

[FR Doc. 98–28976 Filed 10–30–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE91

Endangered and Threatened Wildlife and Plants; Proposed Rule To List the Short-Tailed Albatross as Endangered in the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: Under the authority of the Endangered Species Act (Act) of 1973, as amended, the U.S. Fish and Wildlife Service (Service) proposes to extend endangered status for the short-tailed albatross (*Phoebastria albatrus*) to include the species' range within the United States. As a result of an administrative error in the original listing, the short-tailed albatross is currently listed as endangered throughout its range except in the U.S. Short-tailed albatrosses range throughout the North Pacific Ocean and north into the Bering Sea during the non-breeding season, and breeding colonies were historically present on islands in Taiwan. Originally numbering in the millions, the worldwide population of breeding age birds is currently approximately 500 individuals and the worldwide total population is less than 1000 individuals. There are no breeding populations of short-tailed albatrosses in the U.S., but several individuals have been regularly observed during the breeding season on Midway Atoll in the Northwestern Hawaiian Islands. Current threats to the species include destruction of habitat by volcanic eruption or mud or land slides caused by monsoon rains, and demographic or genetic vulnerability due to low population size and limited breeding distribution. Longline fisheries, plastics ingestion, contaminants, and airplane strikes may also be factors affecting the species' conservation. This proposal, if made final, would implement the Federal protection and recovery provisions provided by the Act for individuals when they occur in the U.S.

DATES: Comments from all interested parties must be received by March 2, 1999. Public hearing requests must be received by December 17, 1998.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Anchorage Field Office, U.S. Fish and Wildlife Service, 605 West 4th Avenue, Room G–62, Anchorage, AK 99501 (telephone 907/271–2787). Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Greg Balogh, Endangered Species Biologist (telephone 907/271–2778).

SUPPLEMENTARY INFORMATION:

Background

Taxonomy

George Steller made the first record of the short-tailed albatross in the 1740s. The type specimen for the species was collected offshore of Kamchatka, Russia, and was described in 1769 by P.S. Pallas in Spicilegia Zoologica (AOU 1983). In the order of tube-nosed marine birds, Procellariiformes, the short-tailed albatross is classified within the family Diomedeidae. Until recently, it had been assigned to the genus *Diomedea*. Following the results of genetic studies by Nunn et al. (1996), the family Diomedeidae was arranged in four