

Given the facts that nearly all radiotelephone companies have fewer than 1,000 employees and that no reliable estimate of the number of prospective GWCS licensees can be made, we assume, for purposes of our evaluations and conclusions in this revised FRFA, that all of the licenses will be awarded to small entities, as that term is defined by the SBA.

V. Steps Taken To Minimize the Burdens on Small Entities

13. The rule adopted in the MO&O reduces the burdens on small entities placed upon them by the rule adopted in the Second R&O. The rule adopted in the MO&O accomplishes this objective by permitting the mounting of antennas on existing structures that have previously received a "no hazard" determination by the FAA, without any additional Commission authorization, and by applying streamlined antenna clearance procedures which have been applied to all services.

VI. Significant Alternatives Considered and Rejected

14. The Commission made this change in the antenna clearance rules in response to a Petition for Reconsideration. The Commission could have retained the original rule, but the Commission found that its new antenna clearance rules minimize burdens on all licensees, without having a negative impact on the public interest or public safety.

VII. Report to Congress

15. The Commission shall send a copy of this Revised Final Regulatory Flexibility Analysis, together with the MO&O, in a report to Congress pursuant of the Small Business Regulatory Enforcement Fairness Act of 1996.⁹ A copy of the MO&O and this RFRFA (or summary thereof) shall be sent to the Chief Counsel for Advocacy for the Small business Administration.

Ordering Clauses

16. As required by Section 603 of the Regulatory Flexibility Act,¹⁰ the Commission has prepared a Revised Final Regulatory Flexibility Analysis of the expected impact on small entities of the changes in our rules adopted herein. The Revised Final Regulatory Flexibility Analysis is in this document and in Appendix B of the full text of the MO&O.

17. This action is taken pursuant to sections 4(i), 5(c), 302, 303(c), 303(f),

303(g), and 303(r) of the Communications Act of 1934, 47 U.S.C. 154(i), 155(c), 302, 303(c), 303(f), 303(g), 303(r).

18. Accordingly, it is ordered that the petition for reconsideration of Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use, ET Docket No. 94-32, First Report and Order and Second Notice of Proposed Rulemaking, filed by the Association for Maximum Service Television, Inc., the Association of America's Public Television Stations, Capital Cities/ABC, Inc., CBS, Inc., the Fox Television Group of companies, the National Association of Broadcasters, the National Broadcasting Company, Inc., the Public Broadcasting Service, Inc., and the Radio-Television News Directors Association is dismissed in part and otherwise is denied.

19. It is further ordered that the petition for reconsideration of Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use, ET Docket No. 94-32, Second Report and Order, filed by Association for Maximum Service Television, Inc., is denied, and the petition for reconsideration filed by Wireless Cable Association International is granted in part to the extent discussed, and otherwise is denied.

20. It is further ordered that Part 26 of the Commission's Rules is amended and will become effective January 22, 1999.

21. It is further ordered that the Director, Office of Public Affairs, shall send a copy of this Order, including the Revised Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 603(a).

List of Subjects in 47 CFR Part 26

Radio, General wireless communications service.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

Part 26 of title 47 of the Code of Federal Regulations is amended as follows:

PART 26—GENERAL WIRELESS COMMUNICATIONS SERVICE

1. The authority citation for part 26 continues to read as follows:

Authority: 47 U.S.C. sections 154, 301, 302, 303, 309, and 332, unless otherwise noted.

2. Add a new section 26.56 to read as follows:

§ 26.56 Antenna structures; air navigation safety.

Licensees that own their antenna structures must not allow these antenna structures to become a hazard to air navigation. In general, antenna structure owners are responsible for registering antenna structures with the FCC if required by part 17 of this chapter, and for installing and maintaining any required marking and lighting. However, in the event of default of this responsibility by an antenna structure owner, each FCC permittee or licensee authorized to use an affected antenna structure will be held responsible by the FCC for ensuring that the antenna structure continues to meet the requirements of part 17 of this chapter. See § 17.6 of this chapter.

(a) *Marking and lighting.* Antenna structures must be marked, lighted and maintained in accordance with part 17 of this chapter and all applicable rules and requirements of the Federal Aviation Administration.

(b) *Maintenance contracts.* Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) may enter into contracts with other entities to monitor and carry out necessary maintenance of antenna structures. Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) that make such contractual arrangements continue to be responsible for the maintenance of antenna structures in regard to air navigation safety.

§ 26.309 [Removed]

3. Section 26.309 is removed.

[FR Doc. 98-33979 Filed 12-22-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 970129015-8287-08; I.D. 042597B]

RIN 0648-A184

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations; Correction

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

Employment Size of Firms: 1992, SIC Code 4812 (issued May 1995).

⁹ 5 U.S.C. 801(a)(1)(A).

¹⁰ 5 U.S.C. 603.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final rule pertaining to the Harbor Porpoise Take Reduction Plan in the Gulf of Maine and Mid-Atlantic waters published in the **Federal Register** on December 2, 1998.

DATES: This action becomes effective December 18, 1998.

FOR FURTHER INFORMATION CONTACT: Donna Wieting, 301-713-2322.

SUPPLEMENTARY INFORMATION:

Background

In final rule FR Doc. 98-31957, Taking of Marine Mammals incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations, published in the **Federal Register** on December 2, 1998 (63 FR

66464), implementing a harbor porpoise take reduction plan in the Gulf of Maine and Mid-Atlantic waters, three errors were published in § 229.33 in the description of the Mid-coast and Offshore Closure Areas.

Correction

Two incorrect latitude coordinates and one omitted entry were listed in the December 2, 1998, **Federal Register**.

§ 229.33 [Corrected]

1. On page 66488, in § 229.33(a)(2), in the first column, in the table titled "MID-COAST CLOSURE AREA", in the second column of the table, in the sixth line, "42°00'" is corrected to read "43°00'" and in the eighth line, "43°00'" is corrected to read "43°30'."

2. On the same page, in § 229.33(a)(5), in the second column, in the table titled "OFFSHORE CLOSURE AREA", an entry is correctly added in numerical order, in the first column of the table under the heading "Point", add "OFS6"; in the second column of the table, under the heading "N. Lat.", add "42°50'" and in the third column of the table, under the heading "W. Long.", add "69°30'".

NMFS is correcting these errors and is making no substantive change to the document in this action.

Dated: December 18, 1998.

Andrew A. Rosenberg,

*Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

[FR Doc. 98-34000 Filed 12-18-98; 2:43 pm]

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