

(e) * * * Such protection shall be applied solely with regard to applications filed subsequent to the request for a protected service area.

(f) With respect to protected service area proposals, two applications will be regarded as mutually exclusive if they are:

- (1) Submitted during the same filing window;
- (2) Otherwise grantable;
- (3) Mutually exclusive only because either or both applicants request a protected service area. However, if an applicant in such a situation shows that the resulting interference would occur solely over water, the applications will not be considered to be mutually exclusive.

§ 74.910 [Amended]

4. Section 74.190 is amended by removing the entry Section 73.3564(a), (b) Acceptance of applications, and adding in its place, 73.3597(c)(2) Procedures on transfer and assignment applications.

5. Section 74.911 is amended by revising the third sentence of paragraph (a)(1), and by revising paragraph (c) to read as follows:

§ 74.911 Processing of ITFS station applications.

(a) * * *

(1) * * * A major change for an ITFS station will be any proposal to add new channels, change from one channel (or channel group) to another, change polarization, increase the EIRP in any direction by more than 1.5dB, increase the transmitting antenna height by 25 feet or more, or relocate a facility's transmitter site by 10 miles or more.* * *

* * * * *

(c)(1) New and major change applications for ITFS stations will be accepted only on dates specified by the Commission. Filing periods will be designated by the Commission in a Public Notice, to be released not fewer than 60 days before the commencement of the filing period. Qualified parties will have no fewer than 5 business days within which to submit their applications. After termination of the filing period, the Commission shall release a Public Notice with a list of applications filed in the window and provide no fewer than 30 days for the submission of petitions to deny. Uncontested applications that are not mutually exclusive with any other application or licensed facility, and are found to be acceptable, shall be granted. Mutually exclusive applications shall be evaluated pursuant to the comparative

selection process set forth in § 74.913 as herein amended.

(2) The requirements of this section apply to a wireless cable entity requesting to be licensed on ITFS frequency pursuant to § 74.990. The application of such a wireless cable entity shall be included in the Public Notice released after the termination of the filing period.

* * * * *

6. Section 74.913 is amended by revising the first sentence of paragraph (d)(1), and adding a new paragraph (d)(5), to read as follows:

§ 74.913 Selection procedure for mutually exclusive ITFS applications.

* * * * *

(d) * * *

(1) Enrollment will be considered as of the last date of the filing window during which the applications were filed, as provided by § 74.911(c).* * *

* * * * *

(5) A receive site not receiving interference protection may not be utilized by an applicant for tie-breaking purposes.

* * * * *

7. Section 74.932 is amended by adding a new paragraph (e), to read as follows:

§ 74.932 Eligibility and licensing requirements.

* * * * *

(e) No receive site more than 35 miles from the transmitter site shall be used to establish basic eligibility.

* * * * *

8. Section 74.991 is amended by revising the last two sentences of paragraph (a) to read as follows:

§ 74.991 Wireless cable application procedures.

(a) * * * A wireless cable application for available instructional television fixed service channels will be subject to § 21.914 of this chapter with respect to other wireless cable applicants, and to the ITFS window filing period with respect to instructional television fixed service applications. All lists of accepted applications for ITFS frequencies, regardless of the nature of the applicant, will be published as ITFS public notices.

* * * * *

[FR Doc. 95-10024 Filed 4-24-95; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 90

[DA95-741]

Inter-Category Sharing of Private Mobile Radio Services in the 806-821/851-866 MHz bands

AGENCY: Federal Communications Commission.

ACTION: Notice of policy.

SUMMARY: The Wireless Telecommunications Bureau has imposed a freeze on the filing of new applications for inter-category sharing on all private mobile radio service frequencies in the 806-821/851-866 MHz bands. This action was taken to ensure the continued availability of these channels to currently eligible Part 90 applicants not licensed in the Specialized Mobile Radio (SMR) Service until the Commission resolves inter-category sharing issues in PR Docket No. 93-144 and PP Docket No. 93-253. This action will assure the integrity of the Commission's licensing process.

EFFECTIVE DATE: April 5, 1995.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Wireless Telecommunications Bureau, (202) 418-0627.

SUPPLEMENTARY INFORMATION: This is a summary of the Wireless Telecommunications Bureau's Order, DA95-741, adopted April 5, 1995, and released April 5, 1995. The full text of this Order is available for inspection and copying during normal business hours in the Private Wireless Division, Wireless Telecommunications Bureau, 2025 M Street, Room 5322, Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, Suite 140, Washington, DC 20037, telephone (202) 857-3800.

This will impose no paperwork burden on the public.

Summary of Order

1. The Wireless Telecommunications Bureau imposed a temporary freeze on inter-category sharing of frequencies in the 806-821/851-866 MHz band allocated to the Public Safety, Industrial/Land Transportation (I/LT), Specialized Mobile Radio (SMR) and Business Services, in response to a request by the Association of Public Safety Communications Officials, Inc. (APCO). This request was opposed by the Industrial Telecommunications Association, Inc. (ITA).

2. APCO asserts that as a consequence of a Commission-imposed freeze (59 Fed. Reg. 60111 (November 22, 1994))

on the acceptance of 800 MHz applications on 280 SMR category channels, SMR applicants sought inter-category use of frequencies in the I/LT and Business Categories which, in turn, caused I/LT and Business applicants to seek out-of-category channel assignments on Public Safety category channels. APCO asserts that this situation endangers the continued availability of these frequencies to the public service community.

3. ITA opposes APCO's request asserting that it is a cavalier approach to eliminating a long-standing and beneficial rule. Opponent further contends that the stay request is merely a reiteration of APCO's long-standing objection to the inter-category sharing rules.

4. The Commission has undertaken a rule making proceeding (PR Docket 93-144, 59 FR 60111 (November 22, 1994)), in which it is considering Part 90 spectrum allocation issues. In response to a Congressional directive, the Commission is also in the process of developing a specific plan to ensure adequate spectrum to meet public safety demands. Continued inter-category sharing at this time, and at this substantial rate, could compromise both issues by exhausting the supply of available channels, particularly in the public safety spectrum.

5. Freezing acceptance of new inter-category sharing applications does not eliminate, as alleged by ITA, the inter-category rules. This temporary action merely ensures the successful resolution of the spectrum allocation issues raised in PR Docket No. 93-144 and the concerns raised by the public safety community.

List of Subjects in 47 CFR Part 90

Administrative practice and procedure.

Federal Communications Commission.

Regina M. Keeney,

Chief, Wireless Telecommunications Bureau.

[FR Doc. 95-10131 Filed 4-24-95; 8:45 am]

BILLING CODE 6712-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9904

Cost Accounting Standards Board; Cost Accounting Standards for Composition, Measurement, Adjustment, and Allocation of Pension Costs

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to the final rule revising the Cost Accounting Standards relating to accounting for pension costs under negotiated government contracts, which was published Thursday, March 30, 1995 (60 FR 16534).

EFFECTIVE DATE: March 30, 1995.

FOR FURTHER INFORMATION CONTACT: Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board (telephone: 202-395-3254).

The final rule published Thursday, March 30, 1995, at 60 FR 16534 is corrected as follows.

§ 9904.412-64 [Corrected]

1. On page 16548, in the first column, in 9904.412-64(a)(1), in the fourth line, after "to" delete bracketed information and insert "March 30, 1995".

§ 9904.413-60 [Corrected]

2. On page 16555, in the third column, in 9904.413-60(c)(16), in the second line, after "(c)" delete "(17)" and insert "(15)".

Richard C. Loeb,

Executive Secretary, Cost Accounting Standards Board.

[FR Doc. 95-10100 Filed 4-24-95; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672, 675, and 676

[Docket No. 950418107-5107-01; I.D. 022295A]

Groundfish of the Gulf of Alaska, Groundfish of the Bering Sea and Aleutian Islands Area, Limited Access Management of Federal Fisheries In and Off of Alaska; Nomenclature Change

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

Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; technical amendment.

SUMMARY: NMFS announces a technical amendment to revise references to the term "the Secretary" and similar language in fisheries regulations dealing with North Pacific fisheries. The purpose of this revision is to reflect the delegation of the Secretary of Commerce's authority to implement Magnuson Fishery Conservation and Management Act (Magnuson Act) fishery regulations to NMFS. This revision clearly identifies for the public the agency responsible for these regulations.

EFFECTIVE DATE: April 25, 1995.

FOR FURTHER INFORMATION CONTACT: William D. Chappell, 301-713-2341.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the exclusive economic zone off Alaska are managed by NMFS according to Fishery Management Plans (FMPs) for Groundfish of the Gulf of Alaska and Groundfish of the Bering Sea and Aleutian Islands Area prepared by the North Pacific Fishery Management Council under the authority of the Magnuson Act. These FMPs are implemented by regulations governing the U.S. groundfish fishery at 50 CFR parts 672 and 675, respectively. Limited Access Management of Federal Fisheries In and Off Alaska is implemented by regulations at 50 CFR part 676. General regulations that also pertain to U.S. fisheries are implemented at 50 CFR part 620.

Department of Commerce Organization Order 10-15 of January 15, 1988, delegated certain authority of the Secretary of Commerce to the Under Secretary/Administrator of NOAA. The Under Secretary has redelegated part of this authority, including management of living marine resources under the Magnuson Act, to NMFS. This action revises the North Pacific fisheries regulations to identify the agency that has the redelegated authority and responsibility for issuing the regulations and otherwise performing the management functions required by the Magnuson Act.

The term "the Secretary, the Secretary of Commerce," or "Secretarial" are used throughout the regulations in referring to functions and authorities assigned to the Secretary of Commerce in the Magnuson Act. These functions have been delegated and are performed by NMFS. These amendments revise the