DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 387
[Docket No. R–157]

RIN 2133–AB18

Utilization and Disposal of Surplus Federal Real Property for Development or Operation of a Port Facility; Correction

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule; correction.

SUMMARY: This document makes a technical correction to a final rule published on August 16, 1995 concerning the terms, reservations, restrictions, and conditions under which the Secretary of Transportation will convey surplus Federal real property and related personal property to public entities for use in the development or operation of a port facility.


FOR FURTHER INFORMATION CONTACT: James R. Carman (202) 366–4357.

SUPPLEMENTARY INFORMATION: Beginning on page 42466 in the issue of August 16, 1995, the Maritime Administration published a final rule adding a new part 387. However, in the table of contents for the part on page 42467, in the second column, and in the section headings of the sections on pages 42467 through 42469, the new sections were incorrectly designated as §§ 12.1 through § 12.6. These section numbers are corrected to read as §§ 387.1 through §§ 387.6. In addition, it should be noted that the new part 387 is added to Subchapter J—Miscellaneous, of Title 46 CFR chapter II.

By Order of the Maritime Administrator.


Joel Richard,
Secretary, Maritime Administration.

[FR Doc. 95–20732 Filed 8–22–95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 92–235, FCC 95–255]

Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; Clarification.

SUMMARY: On June 15, 1995, the Commission adopted a Report and Order which resolves many of the technical issues which have inhibited private land mobile radio (PLMR) users from employing the most spectrally-efficient technologies. This Public Notice clarifies the June 15, 1995, Report and Order so that license applications requesting power in excess of that now permitted on the offsets (e.g., 2 watts output power in all services except the Special Industrial Radio Service, where entities may be licensed for an effective radiated power of up to 100 watts) will not be accepted for filing until issues are resolved relative to the consolidation of radio services and/or the designation of dedicated channels in the 450–470 MHz band for low power use. Upon the resolution of these issues, the Commission will notify the public as to the lifting of the freeze.

EFFECTIVE DATE: August 11, 1995.

FOR FURTHER INFORMATION CONTACT: Mark Rubin of the Wireless Telecommunications Bureau at (202) 418–0680.

SUPPLEMENTARY INFORMATION: On June 15, 1995, the Commission adopted a Report and Order, PR Docket No. 92–235, FCC 95–255 60 FR 37152, July 19, 1995 to promote more efficient use of the private land mobile radio (PLMR) spectrum below 800 MHz. The Commission recognized, however, that frequency coordination issues regarding frequency coordination and the establishment of dedicated channels in the 450–470 MHz band for low power use are addressed. HP stated that hospitals use tens of thousands of HP telemetry devices operating on the 12.5 kHz offsets to monitor electrocardiographs and other critical information on the status of cardiac patients. HP explained that these telemetry units play an important role in allowing cardiac patients to become ambulatory within limited proximity to the treating hospital, thereby facilitating recovery and reducing inpatient costs. HP suggested that medical telemetry and high-powered operations cannot coexist on these 12.5 kHz offset channels.

The Bureau agrees with HP that a problem could develop if many applicants were to file for and obtain high powered operation on these offsets prior to coordinators identifying a new location for low power operations. Therefore, license applications requesting power in excess of that now permitted on the offsets (e.g., 2 watts output power in all services except the Special Industrial Radio Service, where entities may be licensed for an effective radiated power of up to 100 watts) will not be accepted for filing until issues are resolved relative to the consolidation of radio services and/or the designation of dedicated channels in the 450–470 MHz band for low power use. Upon the resolution of these issues, the Commission will notify the public as to the lifting of the freeze.

The imposition of the freeze is procedural in nature and, therefore, is not subject to the notice and comment and effective date requirements of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)). See Neighborhood TV Co., Inc. v. FCC, 742 F.2d 629 (D.C. Cir. 1984), Buckeye Cablevision, Inc. v. United States, 438 F.2d 948 (6th Cir. 1971), and Kessler v. FCC, 326 F.2d 673 (D.C. Cir. 1963). Furthermore, good cause exists for non-compliance with the APA’s “notice and comment” and “effective date” requirements because it would be impractical, unnecessary, and contrary to the public interest if the Commission did not act to protect the critical operations on these 12.5 kHz offset channels. This action is effective immediately.

Federal Communications Commission.

LaVer A. Marshall,
Acting Secretary.

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