SUPPLEMENTARY INFORMATION:

Background

The portion of the final rule that is the subject of this correction, supersedes paragraph six of the rules section on the effective date and affects persons who amend applications for assignment or transfer of authorizations for radio systems above 800 MHz under Part 90 of Chapter I of Title 47 of the Code of Federal Regulations.

Need for Correction

As published, the final rule contains errors which may prove misleading and need clarification.

Correction of Publication

Accordingly, the publication on February 16, 1996 of the final rule, which is the subject of FR Doc. 96–3509, is corrected as follows:

§ 90.609 (Corrected)

On page 6155, in the second column, in instruction paragraph 6., in line three, the words ''introductory text'' are removed.

Federal Communications Commission.

David Furth,

Acting Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.

[FR Doc. 96–13792 Filed 6–24–96; 8:45 am]

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47 CFR Part 95

[WT Docket No. 95–47; FCC 96–224]

Permitting Mobile Operation in the Interactive Video and Data Service (IVDS)

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has amended its rules to permit IVDS licensees to provide mobile service to subscribers. This action authorizes mobile operation of response transmitter units (subscriber units) operated with an effective radiated power of 100 milliwatts or less. The Commission also eliminated the IVDS ''duty cycle'' requirement for operations outside of TV channel 13 Grade B contours. The Commission found that these amendments would provide additional flexibility for IVDS licensees to meet the communications needs of the public without increasing the likelihood of interference.

EFFECTIVE DATE: July 25, 1996.

FOR FURTHER INFORMATION CONTACT: Eric Malinen, Wireless Telecommunications Bureau, telephone (202) 418–0638, e-mail at emalinen@fcc.gov

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, adopted May 16, 1996, and released May 30, 1996. The full text of this Commission action, including the rule amendments and Final Regulatory Flexibility Analysis, is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. The full text of this *Report and Order* may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D. C. 20037, telephone (202) 857–3800. Last, the full text may be obtained from the FCC's internet World Wide Web home page, http://www.fcc.gov

Summary of Report and Order

1. On April 13, 1995, the Commission adopted a *Notice of Proposed Rule Making*, 60 FR 25193 (May 11, 1995), proposing, *inter alia*, to allow IVDS licensees to provide mobile service to subscribers on an ancillary basis. By this *Report and Order*, and in light of the development of the industry and the views of a majority of the commenters, the Commission amends Part 95 of the rules to authorize fully mobile operation in addition to fixed operation for IVDS response transmitter units (RTUs) operated with an effective radiated power of 100 milliwatts or less. This action will enable licensees to respond more accurately to the public's preferred choices of interactive services and to offer a broader array of services.

2. Recognizing that allowing mobile operations increases the interference potential with respect to the operations of licensees in other services, the Commission concludes that the lower power limit of 100-milliwatts is appropriate. The limit applies even to mobile RTUs located both within the IVDS licensee's service area and outside a TV channel 13 predicted Grade B contour. In addition, as suggested by commenters, this 100-milliwatt limit is specified in terms of mean power. The Commission also concludes that no change to the power limit for fixed operations is necessary.

3. Given the development of IVDS and the Commission's current reexamination of the parameters of the duty cycle rule, the Commission also eliminates the duty cycle requirement for both fixed and mobile operations in IVDS service areas where no TV channel 13 predicted Grade B contour overlap exists. In such areas, TV channel 13 operations have no expectation to protection from interference. The Commission also eliminates the duty cycle in areas where there is overlap, for fixed RTUs located within the IVDS licensee's service area, but outside the TV channel 13 predicted Grade B contour. In such areas, the interference potential is minimal, rendering the duty cycle restriction unnecessary. The duty cycle requirement is retained for mobile RTUs located within the IVDS licensee's service area, but outside the TV channel 13 predicted Grade B contour.

4. The Commission also adopts its proposal to allow indirect RTU-to-RTU operations, but will continue to prohibit direct RTU-to-RTU operations. Protecting TV channel 13 from interference is a primary concern in regulating IVDS, and direct RTU-to-RTU operation would increase the potential for such interference. Further, the Commission eliminates the requirement that RTUs operating at 100 milliwatts or less incorporate automatic power control. Finally, the Commission permits direct CTS-to-CTS communications (fixed point-to-point communications) on a primary basis, finding that such fixed operation can be designed to eliminate potential interference to TV channel 13 operations and does not present the interference potential presented by direct RTU-to-RTU operations.

5. The Commission declines to permit IVDS interconnection with the public switched network. This determination is consistent with retaining IVDS as a private, although newly mobile, radio service.

6. The amended rules are set forth below, effective July 25, 1996.

7. This *Report and Order* and the rule amendments are issued under the authority contained in 47 U.S.C. §§ 154(i), 303 (b), and 303 (r).

List of Subjects in 47 CFR Part 95

Communications equipment, Interactive Video and Data Service (IVDS), Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 95 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 95—PERSONAL RADIO SERVICES

1. The authority citation for Part 95 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303.

2. Section 95.803 is amended by revising paragraphs (a) and (b) to read as follows:

§ 95.803 IVDS description.

(a) An IVDS system is a point-to-multipoint, multipoint-to-point, short distance communications service for its licensees to provide information, products, or services to, and allow interactive responses from, subscribers in the licensee's service area.

(b) The components of each IVDS system are its administrative apparatus, its response transmitter units (RTUs), and one or more cell transmitter stations (CTSs). RTUs may be used in any location within the service area. Each IVDS system is authorized for a specific service area and frequency segment. There can be a maximum of two IVDS systems per service area. There are two frequency segments available for each service area.

* * * * *

3. Section 95.805 is amended by revising paragraphs (b), (c) and (e) to read as follows:

§ 95.805 Permissible communications.

* * * * *

(b) Direct CTS-to-CTS communications within the same IVDS system are permitted.

(c) Direct RTU-to-RTU communications are prohibited. No mobile RTU in an IVDS system may be interconnected with the public switched network or any commercial mobile radio service.

* * * * *

(e) An IVDS system may provide fixed and mobile service to subscribers within its service area.

* * * * *

4. Section 95.855 is amended by revising paragraph (a) to read as follows:

§ 95.855 Transmitter effective radiated power limitation.

(a) The effective radiated power (ERP) of each CTS and RTU shall be limited to the minimum necessary for successful communications. RTUs with powers in excess of 100 milliwatts must incorporate automatic power control to ensure the minimum ERP is used. No CTS may transmit with an ERP exceeding 20 watts. No fixed RTU may transmit with an ERP exceeding 20 watts. No mobile RTU may transmit with an ERP exceeding 100 milliwatts mean power.

* * * * *

5. Section 95.863 is revised to read as follows:

§ 95.863 Duty cycle.

(a) Except as provided in paragraph (b) of this section, the maximum duty cycle of each RTU, either fixed or mobile, shall not exceed 5 seconds-per-hour, or, alternatively, not exceed one percent within any 100 millisecond interval.

(b) The duty cycle limitation specified above for RTUs does not apply in the following situations:

(1) To fixed and mobile RTUs when there is no TV channel 13 predicted Grade B contour overlap in the licensed service area; or

(2) To fixed RTUs in areas where there is Grade B contour overlap and the RTU is located outside the TV channel 13 predicted Grade B contour but within the licensed service area.

[FR Doc. 96–16105 Filed 6–24–96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 960412110–6166–02; I.D. 030596E]

RIN 0648–AI93

Summer Flounder Fishery; 1996 Recreational Fishery Measures

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

ACTION: Final rule.

SUMMARY: NMFS issues the final specifications for the 1996 summer flounder recreational fishery, including no closed season, a possession limit of eight fish per person and a minimum fish size of 14 inches (35.6 cm). The intent of this document is to comply with implementing regulations for the fishery that require NMFS to publish measures for the upcoming fishing year that will prevent overfishing of the resource.

EFFECTIVE DATE: June 20, 1996.

ADDRESSES: Copies of the Environmental Assessment and supporting documents used by the Monitoring Committee are available from: Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901–6790.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, (508) 281–9221.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Summer Flounder Fishery (FMP) was developed jointly by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (ASMFC), in consultation with the New England and South Atlantic Fishery Management Councils. The management unit for the FMP is summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina northward to the Canadian border. Implementing regulations for the fishery are found at 50 CFR part 625.

Section 625.20 outlines the process for determining annual commercial and recreational catch quotas and other restrictions for the summer flounder fishery. Pursuant to § 625.20, the Director, Northeast Region, NMFS, implements measures for the fishing year to ensure achievement of the fishing mortality rate specified in the FMP. This document announces the following measures pertaining to the recreational fishery, which are unchanged from the proposed measures that were published in the Federal Register on April 22, 1996 (61 FR 17682): (1) The continued elimination of the closed season, (2) an individual possession limit of 8 fish per person, and (3) a minimum fish size of 14 inches (35.6 cm).

Comments and Responses

No comments were received during the comment period concerning the proposed measures.

Classification

This action is authorized by 50 CFR part 625.

This final rule has been determined to be not significant for purposes of E.O. 12866.

When this rule was proposed, the Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this action would not have a significant economic impact on a substantial number of small entities. The reasons were published in the proposed rule and are not repeated here. As such, a Regulatory Flexibility Act analysis has not been prepared.

The Assistant Administrator for Fisheries, NOAA, finds that there is good cause to waive the delayed effectiveness of this rule under 5 U.S.C. 553(d)(3). As was noted in the proposed rule, these measures should become effective immediately as the season has