### J. Statutory Authority

The statutory authority for the action proposed in this notice today is granted to EPA by sections 211 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7545 and 7601(a)).

### K. Children's Health Protection

This proposed rule is not subject to E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

### List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: May 28, 1998.

**Carol M. Browner,**

*Administrator.*

[FR Doc. 98–15450 Filed 6–9–98; 8:45 am]

BILLING CODE 6560–50–P

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## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Parts 2 and 15

**[ET Docket No. 98–76; FCC 98–100]**

## Proposed Rules To Further Ensure That Scanning Receivers Do Not Receive Cellular Radio Signals

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** By this *Notice of Proposed Rule Making* (NPRM) the Commission proposes to amend the rules to further prevent scanning receivers from receiving cellular radio telephone signals. The Commission seeks comment on the proposed rule changes.

**DATES:** Comments must be filed on or before July 10, 1998, and reply comments must be filed July 27, 1998. Interested parties wishing to comment on the information collections should submit comments July 10, 1998.

**ADDRESSES:** Comments and reply comments should be sent to the Office of Secretary, Federal Communications Commission, Washington DC 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 electronic mail to jboley@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** Rodney P. Conway (202) 418–2904 or Hugh Van Tuyl (202) 418–7506. Via electronic mail: rconway@fcc.gov or hvantuyl@fcc.gov, Office of Engineering and Technology, Federal Communications Commission. For additional information concerning the information collections, or copies of the information collections contained in this NPRM contact Judy Boley at (202) 418–0217, or via electronic mail at jboley@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, ET Docket 98–76, FCC 98–100, adopted May 21, 1998, and released June 3, 1998.

This NPRM contains proposed information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. The general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

A full text of this Commission decision 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., and also may be purchased from the Commission's duplication contractor, International Transcription Service, phone (202) 857–3800, facsimile (202) 857–3805, 1231 20th Street, N.W. Washington DC 20036.

### Summary of the NPRM

1. The NPRM contains proposed rules that are needed to improve and strengthen the Commission's regulations prohibiting scanning receivers from tuning frequencies allocated to the cellular radio telephone service (Cellular Service). The NPRM proposes to adopt a signal rejection requirement to prevent scanning receivers from intercepting Cellular Service transmissions when they are ''tuned'' to frequencies outside the Cellular Service.

2. In addition, the NPRM proposes specific design requirements to make it more difficult to modify scanning receivers to receive Cellular Service transmissions.

3. Moreover, the NPRM seeks comment on changing the definition of a scanning receiver to include receivers that automatically tune among less than four frequencies.

4. Further, the NPRM proposes a definition for test equipment and seeks to prohibit kits that when assembled would be capable of receiving and decoding Cellular Service transmissions.

5. Moreover, the NPRM also proposes rules to codify the provisions of section 705 of the Communications Act that prohibit any person or persons from knowingly intercepting and divulging the content of transmissions from the Cellular Service frequency bands. This proposed prohibition will not apply to receivers used in the Cellular Service. The NPRM proposes to implement these requirements for scanning receivers manufactured and imported into the United States 90 days after adoption of the final rules.

### Initial Regulatory Flexibility Analysis

6. Need for and Objective of the Rules. This NPRM is initiated to obtain comments regarding the proposed rules which seek to further ensure that scanning receivers do not receive signals from the cellular radiotelephone frequency bands.

7. Legal Basis. The proposed action is authorized under sections 4(j), 301, 302, 303(e), 303(f), 303(g), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 302, 303(e), 303(f), 303(g), 303(r), 304 and 307.

8. Reporting, Recordkeeping and Other Compliance Requirements. We propose to establish rules that would require scanning receivers to be manufactured to reduce the possibility of receiving signals from the cellular telephone frequency bands. The proposed rules will require design details and test measurements to be reported to the Commission as part of the normal equipment authorization process under our certification procedure.

9. Federal Rules Which Overlap, Duplicate or Conflict With These Rules. None.

10. Description, Potential Impact and Number of Small Entities Involved. For purposes of this NPRM, the RFA defines a ''small business'' to be the same as a ''small business concern'' under the Small Business Act, 15 U.S.C. 632, unless the Commission has developed one or more definitions that are appropriate to its activities.[1] Under the Small Business Act, a ''small business concern'' is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria

[1] See 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 5 U.S.C. 632).

established by the Small Business Administration (''SBA'').[2]

The Commission has not developed a definition of small entities applicable to unlicensed communications devices. Therefore, we will utilize the SBA definition applicable to manufacturers of Radio and Television Broadcasting and Communications Equipment. According to the SBA regulations, unlicensed transmitter manufacturers must have 750 or fewer employees on order to qualify as a small business concern.[3] Census Bureau data indicates that there are 858 U.S. companies that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities.[4] The Census Bureau category is very broad, and specific figures are not available as to how many of these firms will manufacture unlicensed communications devices. However, we believe that many of them may qualify as small entities.

11. Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with Stated Objectives. None.

**List of Subjects 47 CFR Parts 2 and 15**

Communications equipment, Radio.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 98–15393 Filed 6–9–98; 8:45 am]

BILLING CODE 6712–01–P

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## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Parts 2, 25, and 68

**[GEN Docket No. 98–68; FCC 98–92]**

## Streamlining the Equipment Authorization Process; Implementation of Mutual Recognition Agreements and the GMPCS MOU

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rules.

**SUMMARY:** The Commission is proposing to amend the rules to provide the option of private sector approval of equipment that currently requires an approval by the Commission. It is also proposing rule changes to implement a Mutual Recognition Agreement (MRA) for product approvals with the European Community (EC) and to allow for similar agreements with other foreign trade parties. These actions are intended to eliminate the need for manufacturers to wait for approval from the Commission before marketing equipment in the United States, thereby reducing the time needed to bring a product to market. The Commission is also proposing an interim procedure to issue equipment approvals for Global Mobile Personal Communication for Satellite (GMPCS) terminals prior to domestic implementation of the GMPCS–MOU Arrangements. That action would benefit manufacturers of GMPCS terminals by allowing greater worldwide acceptance of their products.

**DATES:** Comments are due July 27, 1998, reply comments are due August 10, 1998.

**FOR FURTHER INFORMATION CONTACT:** Hugh L. Van Tuyl, (202) 418–7506 or Julius P. Knapp, (202) 418–2468, Office of Engineering and Technology. For part 68 specific questions, contact Geraldine Matise, (202) 418–2320 or Vincent M. Paladini, (202) 418–2332, Common Carrier Bureau. For part 25 specific questions, contact Tracey Weisler at 202–418–0744.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rule Making*, GEN Docket 98–68, FCC 98–92, adopted May 14, 1998, and released May 18, 1998. The full text of this Commission decision 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., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, N.W. Washington, D.C. 20036.

### Summary of the Notice of Proposed Rule Making

1. The Commission proposes to further streamline its part 2 equipment authorization program and to commence streamlining of part 68 of its rules in order to enable designated private parties to certify and register equipment. The Commission also proposes modifications to parts 2 and 68 of its rules to implement the Mutual Recognition Agreement between the United States and the European Community (US/EC MRA) and to prepare for future mutual recognition agreements that the United States may enter into. The US/EC MRA serves the interests of the United States by promoting trade and competition in the provision of telecommunications products and increasing access to EC markets by reducing the costs, delays, and other burdens upon manufacturers seeking to have their products approved for sale in the EC. The Commission also proposes to approve terminals used in the GMPCS service prior to domestic implementation of the GMPCS–MoU Arrangements.

*Part 2 Authorization Program Streamlining*

2. In the *Report and Order* (''Order'') in ET Docket No. 97–94, adopted April 2, 1998, and released, April 16, 1998, the Commission took several important steps to reduce the burden of the part 2 equipment authorization program. Those actions simplified the equipment authorization rules, thus making it easier to understand and comply with the rules. Many types of equipment that previously required Commission approval were shifted to manufacturer self-approval, thereby eliminating delays in bringing products to the market. Finally, the FCC equipment authorization process was streamlined by implementing an electronic filing system for applications.

3. While manufacturer self-approval is appropriate for many types of products, certain products require closer oversight due to such factors as a high risk of noncompliance, the potential to create significant interference to safety and other communications services, and the need to ensure compliance with requirements to protect against radio frequency exposure. Products that currently require FCC certification include mobile radio transmitters, unlicensed radio transmitters and scanning receivers. The Commission is not proposing any further relaxations of the certification requirements for various equipment at this time. It requests comments on these conclusions. The Commission notes, however, that in 1996 Congress gave it explicit authority to authorize the use of private organizations for testing and certifying equipment. See 47 U.S.C. 302(e). The Commission believes that it would be beneficial to exercise this authority by allowing parties other than the Commission to certify equipment. Allowing parties other than the Commission to certify equipment would provide manufacturers with alternatives where they could possibly obtain certification faster than available from the Commission. Further, by providing for other product certifiers, manufacturers would have the option of obtaining certification from a facility in a more convenient location. An additional benefit of allowing other parties to certify equipment would be a

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[2] See 15 U.S.C. 632.

[3] See 13 CFR 121.201, (SIC) Code 3663.

[4] See U.S. Dept. of Commerce, *1992 Census of Transportation, Communications and Utilities* (issued May 1995), SIC category 3663.