that any LEC situated similarly to GTA exists. We may revisit this issue if and when we become aware of the existence of a LEC or class or category of LECs similarly situated to GTA.

IV. Final Regulatory Flexibility Analysis

7. Pursuant to the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), the Commission certified in the *Guam Ruling/Notice* that the proposed rule would not have a significant economic impact on a substantial number of small entities. We received no comments regarding this certification.

8. In conformance with the RFA, as amended by the SBREFA, we certify that the rule adopted herein will not have a significant economic impact on a substantial number of small entities. Our rule treating GTA as an incumbent LEC pursuant to section 251(h)(2) will affect only GTA and the limited number of entities that seek to interconnect with GTA's network or resell GTA's services. Even if all of these entities can be classified as small entities, we do not believe that they constitute a ''substantial number of small entities'' for purposes of the Regulatory Flexibility Act.

9. The Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Report and Order, including the foregoing certification and statement, to the Chief Counsel for Advocacy of the Small Business Administration. It shall also include a copy of this Report and Order, including the foregoing certification and statement, in the report to Congress.

V. Ordering Clauses

10. Accordingly, it is ordered, pursuant to sections 1, 2, 4, 251, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 251, and 303(r), that the report and order is adopted, and the requirements contained herein shall become effective September 8, 1998.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–21087 Filed 8–6–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15 and 97

[ET Docket No. 94–124; FCC 98–150]

Use of Radio Frequencies Above 40 GHz for New Radio Applications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this *Third Report and Order* (R&O) the Commission amends the rules to: provide amateur and amateur-satellite operators co-primary status in the 77.5–78 GHz frequency band to ensure that future amateur station access to spectrum near 77 GHz is maintained without the threat of preemption by higher priority services; restrict amateur and amateur-satellite operations in the 76–77 GHz frequency band to ensure against potential interference to vehicle radar systems that we expect will operate in this band; adopt a spectrum etiquette for unlicensed devices operating in the 59–64 GHz frequency band to provide a spectrum etiquette that maximizes the number of users and minimizes the potential for interference in the 59–64 GHz band; and adopt spurious emission limits for unlicensed equipment operating in the 76–77 GHz frequency band to provide protection to radio astronomy operations in the 217–231 GHz band.

EFFECTIVE DATE: This rule is effective September 8, 1998, except the addition of § 2.1033(b)(12) which is effective October 5, 1998.

FOR FURTHER INFORMATION CONTACT: Rodney P. Conway (202) 418–2904 or via electronic mail: rconway@fcc.gov. For additional information concerning the information collections, or copies of the information collections contained in this *Third Report and Order* 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 *Third Report and Order*, ET Docket 94–124, FCC 98–150, adopted July 6, 1998 and released July 15, 1998.

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 Third Report and Order

1. This *Third Report and Order* amends the rules to restrict amateur and amateur-satellite operations in the 76–77 GHz frequency band. The Commission is adopting its proposal to suspend access to the 76–77 GHz band by amateur stations in order to ensure against potential interference to vehicle radar systems that we expect will operate in this band. Thus, this action will not have an immediate impact on amateur operators because there is little or no use of this band. Further, we are unable to ascertain what future amateur station transmissions might take place in this band and therefore cannot evaluate the potential for interference to vehicle radar systems. Because harmful interference to vehicle radar systems could affect public safety, we will proceed with the utmost amount of caution.

2. The *Third Report and Order* also amends the rules to establish a co-primary frequency allotment for use by amateur and amateur-satellite operators in the 77.5–78 GHz frequency band. The Commission believes that upgrading the status of the Amateur Radio Services, including amateur and amateur-satellite operations, to co-primary in the 77.5–78 GHz band is needed to ensure that future amateur station access to spectrum near 77 GHz is maintained without the threat of preemption by higher priority services. The Commission believes that this allocation is needed if we are to continue to foster amateur operator experimentation using millimeter wave technology.

3. The *Third Report and Order* also amends the rules to establish a spectrum etiquette for unlicensed devices operating in the 59–64 GHz frequency band. The Commission believes that the adopted spectrum etiquette provides the best plan to maximize the number of users and minimize the potential for interference in the 59–64 GHz band. The coordination channel from 59.0–59.05 GHz provides access to spectrum that will be used to determine methods of limiting potential interference and establishing techniques for spectrum sharing between diverse systems. In addition, the transmitter output power and peak emission limits will minimize the potential for interference and provide for greater spectrum reuse. Moreover, the transmitter identification requirement for transmitters operating with more than 0.1 mW of output power is essential to provide for successful sharing and coordination between users. We note that, no comments were filed expressing opposition to the proposed

spectrum etiquette. We believe the etiquette adopted herein will accelerate the development of low cost devices.

4. The *Third Report and Order* also amends the rules to establish spurious emission limits for unlicensed equipment operating in the 76–77 GHz frequency band. Within the 217–231 GHz band, the Commission is adopting a spurious emission limit of 1000 pW/cm^2, as measured at 3 meters, for unlicensed millimeter wave transmitters that operate in the 76–77 GHz band. We are relying on NTIA's suggestion to limit the spurious emissions to 1000 pW/cm^2 as being sufficient to provide adequate protection to radio astronomy operations in the 217–231 GHz band. In addition, we note that emissions in this frequency range tend to be highly focused and directional. Given that radio astronomy equipment discriminates against off-beam signals and that vehicle radars will be used when in motion, we believe there is little likelihood of interference to radio astronomy operations.

Final Regulatory Flexibility Analysis

5. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603 (''RFA''), an Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated into the Second Notice of Proposed Rule Making, 61 FR 14041, March 29, 1996, (''2nd NPRM'') and the Fourth Notice of Proposed Rule Making, 62 FR 45380, August 27, 1997, (''4th NPRM'') in ET Docket No. 94–124. The Commission sought written public comments on the proposals in the 2nd NPRM and 4th NPRM, including the IRFAs. The Commission's Final Regulatory Flexibility Analysis (''FRFA'') in this Third Report and Order conforms to the RFA, as amended by the Contract with America Advancement Act of 1996 (CWAAA), Public Law 104–121, 110 Stat. 847 (1996). See Subtitle II of the CWAAA is ''The Small Business Regulatory Enforcement Fairness Act of 1996'' (SBREFA), codified at 5 U.S.C. 601 *et seq*.

6. *Need for and Objective of the Rules.* Our objectives are to adopt a spectrum etiquette that provides for a maximum number of operators in the unlicensed 59–64 GHz band, to temporarily restrict amateur station access to the 76–77 GHz band until an effective spectrum sharing plan is developed to permit use of the band by vehicular radar systems and amateur stations, to provide amateur stations co-primary access to spectrum in the 77.5–78 GHz band to offset any negative effects of the temporary restriction in the 76–77 GHz band, and to establish an emissions limit above 200 GHz for some millimeter wave transmitters in order to protect radio astronomy users in the 217–231 GHz band.

7. *Summary of Significant Issues Raised by Public Comments in Response to the IRFAs.* No comments were submitted in direct response to either IRFA.

8. *Description and Estimates of the Number of Small Entities to Which the Rules Will Apply.* For the purposes of this Third Report and Order, 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. *See* 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 5 U.S.C. 632). 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 established by the Small Business Administration (SBA). *See* 15 U.S.C. 632. Since the Regulatory Flexibility Act amendments were not in effect until the record in this proceeding was closed, the Commission did not request information regarding the number of small businesses that might use this service and is unable at this time to determine the number of small businesses that would be affected by this action.

9. 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 in order to qualify as a small business concern. *See* 13 CFR 121.201, (SIC) Code 3663. 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. *See* U.S. Dept. of Commerce, *1992 Census of Transportation, Communications and Utilities* (issued May 1995), SIC category 3663. 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.

10. As noted, this section describes and estimates the number of small entities to which the proposed rules apply. The rules in Part 97 of the Commission's Rules, 47 CFR Part 97, apply to individuals who are qualified to be licensees in the amateur service, and amateur radio operators are prohibited from transmitting communications for compensation, for their pecuniary benefit, and on behalf of their employers. *See* 47 CFR 97.113. Amateur radio licensees are therefore not addressed in this regulatory flexibility analysis.

11. *Description of Projected Reporting, Recordkeeping and Other Compliance Requirements.* The Commission has adopted rules that limit the level of emissions between 217–231 GHz and implement a spectrum etiquette for systems operating in the 59–64 GHz band. Measurements of the emission levels and spectrum etiquette will be reported to the Commission as part of the normal equipment authorization process under our certification procedure.

12. *Significant Alternatives and Steps Taken To Minimize Significant Economic Impact on a Substantial Number of Small Entities Consistent With Stated Objectives.* No alternatives or other steps were addressed in this proceeding.

13. *Report to Congress.* The Commission shall send a copy of this Final Regulatory Flexibility Analysis, along with this Third Report and Order, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A).

List of Subjects

47 CFR Part 2

Communications equipment, Radio.

47 CFR Part 15

Communications equipment, Highway safety, Radio.

47 CFR Part 97

Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

Accordingly, title 47 of the Code of Federal Regulations, parts 2, 15, and 97 are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302, 303, 307 and 336, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended by revising the entry for 76–77 GHz, by removing the entry for 77–81 GHz, and adding new entries for 77–77.5 GHz, 77.5–78 GHz, and 78–81 GHz to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1— allocation GHz	Region 2—allocation GHz	Region 3—allocation GHz	Allocation GHz	Allocation GHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
76–77 RADIO-LOCATION Amateur Amateur-Satellite Space Research (space-to-Earth).	76–77 RADIO-LOCATION Amateur Amateur-Satellite Space Research (space-to-Earth).	76–77 RADIO-LOCATION Amateur Amateur-Satellite Space Research (space-to-Earth).	76–77 RADIO-LOCATION.	76–77 RADIO-LOCATION Amateur.	RADIO FREQUENCY DEVICES (15).	
77–77.5 RADIO-LOCATION Amateur Amateur-Satellite Space Research (space-to-Earth).	77–77.5 RADIO-LOCATION Amateur Amateur-Satellite Space Research (space-to-Earth).	77–77.5 RADIO-LOCATION Amateur Amateur-Satellite Space Research (space-to-Earth).	77–77.5 RADIO-LOCATION.	77–77.5 RADIO-LOCATION Amateur Amateur-Satellite.	Amateur (97)	
77.5–78 RADIO-LOCATION Amateur Amateur-Satellite Space Research (space-to-Earth).	77.5–78 RADIO-LOCATION Amateur Amateur-Satellite Space Research (space-to-Earth).	77.5–78 RADIO-LOCATION Amateur Amateur-Satellite Space Research (space-to-Earth).	77.5–78 RADIO-LOCATION.	77.5–78 RADIO-LOCATION AMATEUR AMATEUR-SATELLITE.	AMATEUR (97) ...	
78–81 RADIO-LOCATION Amateur Amateur-Satellite Space Research (space-to-Earth).	78–81 RADIO-LOCATION Amateur Amateur-Satellite Space Research (space-to-Earth).	78–81 RADIO-LOCATION Amateur Amateur-Satellite Space Research (space-to-Earth).	78–81 RADIO-LOCATION 912.	78–81 RADIO-LOCATION Amateur Amateur-Satellite 912.	Amateur (97)	

* * * * * * *

3. Section 2.1033, presently in effect, is amended by adding a new paragraph (b)(13) to read as follows:

§ 2.1033 Application for certification.

* * * * *

(b) * * *

(13) Applications for certification of transmitters operating within the 59.0–64.0 GHz band under part 15 of this chapter shall also be accompanied by an exhibit demonstrating compliance with the provisions of § 15.255 (g) and (i) of this chapter.

* * * * *

3A. Section 2.1033 as revised effective October 5, 1998, is amended by adding new paragraph (b)(12) to read as follows:

§ 2.1033 Application for certification.

* * * * *

(b) * * *

(12) Applications for certification of transmitters operating within the 59.0–64.0 GHz band under part 15 of this chapter shall also be accompanied by an exhibit demonstrating compliance with the provisions of § 15.255 (g) and (i) of this chapter.

* * * * *

PART 15—RADIO FREQUENCY DEVICES

4. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302, 303, 304, 307 and 544A.

5. Section 15.31 is amended by revising paragraph (f)(1) to read as follows:

§ 15.31 Measurement standards.

* * * * *

(f) * * *

(1) At frequencies at or above 30 MHz, measurements may be performed at a distance other than what is specified provided: measurements are not made in the near field except where it can be shown that near field measurements are appropriate due to the characteristics of the device; and it can be demonstrated that the signal levels needed to be measured at the distance employed can be detected by the measurement equipment. Measurements shall not be performed at a distance greater than 30 meters unless it can be further demonstrated that measurements at a distance of 30 meters or less are impractical. When performing measurements at a distance other than that specified, the results shall be extrapolated to the specified distance using an extrapolation factor of 20 dB/decade (inverse linear-distance for field strength measurements; inverse-linear-distance-squared for power density measurements).

* * * * *

6. Section 15.33 is amended by revising paragraph (a)(3) to read as follows:

§ 15.33 Frequency range of radiated measurements.

(a) * * *

(3) If the intentional radiator operates at or above 30 GHz: to the fifth

harmonic of the highest fundamental frequency or to 200 GHz, whichever is lower, unless specified otherwise elsewhere in the rules.

* * * * *

7. Section 15.35 is amended by revising paragraphs (b) and (c) to read as follows:

§ 15.35 Measurement detector functions and bandwidths.

* * * * *

(b) On any frequency of frequencies above 1000 MHz, the radiated limits shown are based upon the use of measurement instrumentation employing an average detector function. When average radiated emission measurements are specified in the regulations, including emission measurements below 1000 MHz, there is also a limit on the radio frequency emissions, as measured using instrumentation with a peak detector function, corresponding to 20 dB above the maximum permitted average limit for the frequency being investigated unless a different peak emission limit is otherwise specified in the rules in this part, *e.g.*, see § 15.255. Unless otherwise specified, measurements above 1000 MHz shall be performed using a minimum resolution bandwidth of 1 MHz. Measurement of AC power line conducted emissions are performed using a CISPR quasi-peak detector, even for devices for which average radiated emission measurements are specified.

(c) Unless otherwise specified, *e.g.* § 15.255(b), when the radiated emission limits are expressed in terms of the average value of the emission, and pulsed operation is employed, the measurement field strength shall be determined by averaging over one complete pulse train, including blanking intervals, as long as the pulse train does not exceed 0.1 seconds. As an alternative (provided the transmitter operates for longer than 0.1 seconds) or in cases where the pulse train exceeds 0.1 seconds, the measured field strength shall be determined from the average absolute voltage during a 0.1 second interval during which the field strength is at its maximum value. The exact method of calculating the average field strength shall be submitted with any application for certification or shall be retained in the measurement data file for equipment subject to notification or verification.

8. Section 15.253 is amended by revising paragraph (c) to read as follows.

§ 15.253 Operation within the bands 46.7–46.9 GHz and 76.0–77.0 GHz.

* * * * *

(c) The power density of any emissions outside the operating band shall consist solely of spurious emissions and shall not exceed the following:

(1) Radiated emissions below 40 GHz shall not exceed the general limits in § 15.209.

(2) Radiated emissions outside the operating band and between 40 GHz and 200 GHz shall not exceed the following:

(i) For vehicle-mounted field disturbance sensors operating in the band 46.7–46.9 GHz: 2 pW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(ii) For forward-looking vehicle-mounted field disturbance sensors operating in the band 76–77 GHz: 600 pW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(iii) For side-looking or rear-looking vehicle-mounted field disturbance sensors operating in the band 76–77 GHz: 300 pW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(3) For radiated emissions above 200 GHz from field disturbance sensors operating in the 76–77 GHz band: the power density of any emission shall not exceed 1000 pW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(4) For field disturbance sensors operating in the 76–77 GHz band, the spectrum shall be investigated up to 231 GHz.

* * * * *

9. Section 15.255 is revised to read as follows:

§ 15.255 Operation within the band 59.0–64.0 GHz.

(a) Operation under the provisions of this section is not permitted for the following products:

(1) Equipment used on aircraft or satellites.

(2) Field disturbance sensors, including vehicle radar systems, unless the field disturbance sensors are employed for fixed operation. For the purposes of this section, the reference to fixed operation includes field disturbance sensors installed in fixed equipment, even if the sensor itself moves within the equipment.

(b) Within the 59–64 GHz band, emission levels shall not exceed the following:

(1) For products other than fixed field disturbance sensors, the average power density of any emission, measured during the transmit interval, shall not exceed 9 μW/cm², as measured 3 meters from the radiating structure, and the peak power density of any emission shall not exceed 18 μW/cm², as measured 3 meters from the radiating structure.

(2) For fixed field disturbance sensors that occupy 500 MHz or less of bandwidth and that are contained wholly within the frequency band 61.0–61.5 GHz, the average power density of any emission, measured during the transmit interval, shall not exceed 9 μW/cm², as measured 3 meters from the radiating structure, and the peak power density of any emission shall not exceed 18 μW/cm², as measured 3 meters from the radiating structure. In addition, the average power density of any emission outside of the 61.0–61.5 GHz band, measured during the transmit interval, but still within the 59–64 GHz band, shall not exceed 9 nW/cm², as measured 3 meters from the radiating structure, and the peak power density of any emission shall not exceed 18 nW/cm², as measured three meters from the radiating structure.

(3) For fixed field disturbance sensors other than those operating under the provisions of paragraph (b)(2) of this section, the peak transmitter output power shall not exceed 0.1 mW and the peak power density shall not exceed 9 nW/cm² at a distance of 3 meters.

(4) Peak power density shall be measured with an RF detector that has a detection bandwidth that encompasses the 59–64 GHz band and has a video bandwidth of at least 10 MHz, or using an equivalent measurement method.

(5) The average emission limits shall be calculated, based on the measured peak levels, over the actual time period during which transmission occurs.

(c) Limits on spurious emissions:

(1) The power density of any emissions outside the 59.0–64.0 GHz band shall consist solely of spurious emissions.

(2) Radiated emissions below 40 GHz shall not exceed the general limits in § 15.209.

(3) Between 40 GHz and 200 GHz, the level of these emissions shall not exceed 90 pW/cm² at a distance of 3 meters.

(4) The levels of the spurious emissions shall not exceed the level of the fundamental emission.

(d) Only spurious emissions and transmissions related to a publicly-accessible coordination channel, whose purpose is to coordinate operation between diverse transmitters with a view towards reducing the probability of interference throughout the 59–64 GHz band, are permitted in the 59.0–59.05 GHz band.

Note to paragraph (d): The 59.0–59.05 GHz is reserved exclusively for a publicly-accessible coordination channel. The development of standards for this channel

shall be performed pursuant to authorizations issued under part 5 of this chapter.

(e) Except as specified elsewhere in this paragraph (e), the total peak transmitter output power shall not exceed 500 mW.

(1) Transmitters with an emission bandwidth of less than 100 MHz must limit their peak transmitter output power to the product of 500 mW times their emission bandwidth divided by 100 MHz. For the purposes of this paragraph (e)(1), emission bandwidth is defined as the instantaneous frequency range occupied by a steady state radiated signal with modulation, outside which the radiated power spectral density never exceeds 6 dB below the maximum radiated power spectral density in the band, as measured with a 100 kHz resolution bandwidth spectrum analyzer. The center frequency must be stationary during the measurement interval, even if not stationary during normal operation (e.g. for frequency hopping devices).

(2) Peak transmitter output power shall be measured with an RF detector that has a detection bandwidth that encompasses the 59–64 GHz band and that has a video bandwidth of at least 10 MHz, or using an equivalent measurement method.

(3) For purposes of demonstrating compliance with this paragraph (e), corrections to the transmitter output power may be made due to the antenna and circuit loss.

(f) Fundamental emissions must be contained within the frequency bands specified in this section during all conditions of operation. Equipment is presumed to operate over the temperature range −20 to +50 degrees celsius with an input voltage variation of 85% to 115% of rated input voltage, unless justification is presented to demonstrate otherwise.

(g) Regardless of the power density levels permitted under this section, devices operating under the provisions of this section are subject to the radiofrequency radiation exposure requirements specified in §§ 1.1307(b), 2.1091 and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of devices operating under this section must contain a statement confirming compliance with these requirements for both fundamental emissions and unwanted emissions. Technical information showing the basis for this statement must be submitted to the Commission upon request.

(h) Any transmitter that has received the necessary FCC equipment authorization under the rules of this chapter may be mounted in a group installation for simultaneous operation with one or more other transmitter(s) that have received the necessary FCC equipment authorization, without any additional equipment authorization. However, no transmitter operating under the provisions of this section may be equipped with external phase-locking inputs that permit beam-forming arrays to be realized.

(i) Within any one second interval of signal transmission, each transmitter with a peak output power equal to or greater than 0.1 mW or a peak power density equal to or greater than 3 nW/cm^2, as measured 3 meters from the radiating structure, must transmit a transmitter identification at least once. Each application for equipment authorization must declare that the equipment contains the required transmitter identification feature and must specify a method whereby interested parties can obtain sufficient information, at no cost, to enable them to fully detect and decode this transmitter identification information. Upon the completion of decoding, the transmitter identification data block must provide the following fields:

(1) FCC Identifier, which shall be programmed at the factory.

(2) Manufacturer's serial number, which shall be programmed at the factory.

(3) Provision for at least 24 bytes of data relevant to the specific device, which shall be field programmable. The grantee must implement a method that makes it possible for users to specify and update this data. The recommended content of this field is information to assist in contacting the operator.

PART 97—AMATEUR RADIO SERVICE

10. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

11. Section 97.301 is amended in the table in paragraph (a), by revising the entry for 4 mm under the EHF wavelength band to read as follows:

§ 97.301 Authorized frequency bands.

* * * * *

(a) * * *

Wavelength band	ITU—Region 1	ITU—Region 2	ITU—Region 3	Sharing requirements see § 97.303 (Paragraph)
* * * *	*	*	*	*
EHF	GHz	GHz	GHz	
* * * *	*	*	*	*
4 mm	75.5–81.0	75.5–81.0	75.5–81.0	(b), (c), (h), (r).
* * * *	*	*	*	*

* * * * *

12. Section 97.303 is amended by revising paragraphs (b), (c) and (h) and by adding a new paragraph (r), to read as follows:

§ 97.303 Frequency sharing requirements.

* * * * *

(b) No amateur station transmitting in the 1900–2000 kHz segment, the 70 cm band, the 33 cm band, the 13 cm band, the 9 cm band, the 5 cm band, the 3 cm band, the 24.05–24.25 GHz segment, the 77.0–77.5 GHz segment, the 78–81 GHz segment, the 144–149 GHz segment, and the 241–248 GHz segment shall cause harmful interference to, nor is protected from interference due to the operation of, the Government radiolocation service.

(c) No amateur station transmitting in the 1900–2000 kHz segment, the 3 cm band, the 77.0–77.5 GHz segment, the 78–81 GHz segment, the 144–149 GHz segment, and the 241–248 GHz segment shall cause harmful interference to, nor is protected from interference due to the operation of, stations in the non-Government radiolocation service.

* * * * *

(h) No amateur station transmitting in the 23 cm band, the 3 cm band, the 24.05–24.25 GHz segment, the 77–77.5 GHz segment, the 78–81 GHz segment, the 144–149 GHz segment, and the 241–248 GHz segment shall cause harmful interference to, nor is protected from interference due to the operation of, stations authorized by other nations in the radiolocation service.

* * * * *

(r) In the 4 mm band:

(1) Authorization of the 76–77 GHz segment of the 4 mm band for amateur station transmissions is suspended until such time that the Commission may determine that amateur station transmissions in this segment will not pose a safety threat to vehicle radar systems operating in this segment.

(2) In places where the amateur service is regulated by the FCC, the 77.5–78 GHz segment is allocated to the amateur service and amateur-satellite service on a co-primary basis with the Government and non-Government radiolocation services.

[FR Doc. 98–20361 Filed 8–6–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–38; RM–9223]

Radio Broadcasting Services; Fowler, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 291A to Fowler, Indiana, as that community's first local aural transmission service in response to a petition filed by Kevin R. Page. *See* 63 FR 17145, April 8, 1998. Coordinates used for Channel 291A at Fowler are 40–38–05 and 87–18–46. With this action, the proceeding is terminated.

DATES: Effective July 13, 1998. A filing window for Channel 291A at Fowler, Indiana, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a separate Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the application filing process should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–38, adopted May 20, 1998, and released May 29, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by adding Fowler, Channel 291A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–21140 Filed 8–6–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–226; RM–9184]

Radio Broadcasting Services; Prineville, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Michael Mattson and Kenneth Lewetag, allots Channel 254C3 to Prineville, OR, as the community's second local FM service. *See* 62 FR 61720, November 19, 1997. Channel 254C3 can be allotted to Prineville in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.6 kilometers (6.6 miles) southeast, at coordinates 44–13–30 North Latitude and 120–46–30 West Longitude, to avoid a short-spacing to Station KUPL–FM, Channel 254C1, Portland, OR. With this action, this proceeding is terminated.

DATES: Effective May 4, 1998. A filing window for Channel 254C3 at Prineville, OR, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–226, adopted March 11, 1998, and released March 20, 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, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334. 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Channel 254C3 at Prineville.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–21139 Filed 8–6–98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297–8054–02; I.D. 080398A]

Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska

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