CALIFORNIA—OZONE

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
* * *	*	* *	*	*
San Diego Area	.....	.....	.....	
San Diego County	.....	Nonattainment	.....	Serious.
* * *	*	* *	*	*

[1] This date is November 15, 1990, unless otherwise noted.

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[FR Doc. 95–1317 Filed 1–18–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[GN Docket No. 93–252, PR Docket No. 89–553; FCC 94–331]

Implemenation of Sections 3(n) and 332 of the Communications Act

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Order on reconsideration.

SUMMARY: This Order on Reconsideration in GN Docket No. 93–252 and PR Docket No. 89–553 is a partial reconsideration of the Third Report and Order in GN Docket No. 93–252, (''*CMRS Order*''). In this reconsideration, the Commission decides not to suspend granting of secondary site authorizations for incumbent 900 MHz Specialized Mobile Radio (''SMR'') systems, as originally determined in the CMRS Order. In the CMRS Order, the Commission decided not to grant any further secondary site authorizations, which would have allowed existing 900 MHz SMR operators to construct facilities outside of their Designated Filing Areas (''DFAs''), enabling them to expand their systems or link facilities in different markets. The Commission had reasoned that, even though these secondary sites would not be entitled to protection from co-channel interference and may have to discontinue operation eventually, it would contaminate the 900 MHz band to continue to license secondary sites in advance of Major Trading Area (''MTA'') licensing. On reconsideration, however, the Commission concludes that such an outright prohibition on further secondary site licensing imposes a significant burden on existing 900 MHz SMR licensees that are building out their systems and intend to become MTA licensees, which would also delay the availability of service to customers. Also, the Commission emphasizes that secondary site operators assume the risk of having to discontinue operations in the event of interference to an MTA-licensed system. Thus, the Commission will continue to process and grant secondary site authorizations to qualified applicants.

FOR FURTHER INFORMATION CONTACT: Amy J. Zoslov at (202) 418–0620, Wireless Telecommunications Bureau, Commercial Radio Division.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission Order on Reconsideration in GN Docket No. 93–252 and PR Docket No. 89–553, adopted December 21, 1994, and released December 22, 1994. The full text of this Order on Reconsideration 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 may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Synopsis of Order on Reconsideration

1. The Order, taken on the Commission's own motion, reverses the Commission's decision in the CMRS Order, 59 FR 59945 (11/21/94), to suspend further granting of secondary site authorizations for 900 MHz SMR systems pending the implementation of new service and licensing rules for those SMR systems.

2. By way of background, the Commission adopted new licensing rules for this service in the CMRS Order, dividing 200 channels into 20 blocks of 10 channels each, using MTAs as the service area for each license, and using competitive bidding selection for mutually exclusive applications. The incumbent systems already licensed in the DFAs (which correspond to the top 50 major markets) were grandfathered, i.e., given co-channel interference protection for existing facilities, but were not allowed to expand beyond existing service areas unless they obtained MTA licenses. Some incumbents had been granted authorizations to construct facilities outside their DFAs to expand their systems or link facilities in different markets, which became ''secondary sites,'' i.e., not entitled to co-channel interference protection, when the Commission discontinued primary site licensing in 1986. The CMRS Order established that any 900 MHz SMR secondary sites licensed before August 10, 1994, would be entitled to primary site protection, so as to avoid discontinuation of operations for such sites that had become integral to the existing systems. In this connection, the Commission decided not to license any further secondary sites to avoid contamination of the 900 MHz band in advance of MTA licensing.

3. In this Order, the Commission concludes that an outright prohibition on further licensing of secondary sites imposes a significant burden on 900 MHz incumbents who are building out systems and who intend to become MTA licensees. A suspension of licensing would delay service to consumers until the new 900 MHz rules are adopted and selection of licensees takes place. Also, as secondary sites are not entitled to interference protection, and secondary site-holders assume the risk of discontinuation, the Commission concludes that this policy will not contribute to spectrum contamination. Thus, the Commission will continue to grant secondary site authorizations to qualified SMR applicants in the 900 MHz band, subject to strict enforcement of the no-interference policy regarding secondary operation, defined in 47 CFR 90.7.

List of Subjects in 47 CFR Part 90

Administrative practice and procedure, Radio.

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 95–1219 Filed 1–18–95; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 94–57; Notice 02]

RIN 2127–AF33

Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This notice amends Standard No. 210, *Seat Belt Assembly Anchorages,* to eliminate the sole exception to the requirement in paragraph S4.1.2 for the installation of anchorages for either a Type 1 or a Type 2 seat belt assembly at any designated seating position for which Standard No. 208, *Occupant Crash Protection*, requires the installation of a Type 1 or a Type 2 seat belt. The sole exception is for passenger seats in buses. The practical effect of Standard No. 210's not requiring anchorages for the bus passenger seats is that the anchorages for the Type 1 seat belt assemblies required at passenger seats in small buses are not currently required to comply with the strength, location and other performance requirements of Standard No. 210. This final rule will correct this oversight.

DATES: Effective Date: The amendments made in this rule are effective on February 21, 1995.

Petition Date: Any petitions for reconsideration must be received by NHTSA no later than February 21, 1995.

ADDRESSES: Any petitions for reconsideration should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Clarke Harper, Office of Vehicle Safety Standards, NRM–12, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Telephone: (202) 366–4916.

SUPPLEMENTARY INFORMATION: On July 13, 1994, NHTSA published a notice of proposed rulemaking (NPRM) proposing to require the installation of anchorages for either a Type 1 or a Type 2 seat belt assembly at any seating position for which Standard No. 208 requires the installation of a Type 1 or a Type 2 seat belt (59 FR 35670). As explained in the NPRM, NHTSA believed this amendment was necessary to correct an oversight in a final rule published on November 2, 1989. That final rule amended Standard No. 208, *Occupant Crash Protection*, to require, among other changes, Type 2 (lap/shoulder) seat belts at all front outboard seating positions in small buses and Type 1 (lap) seat belts at all other seating positions in small buses (54 FR 46257).

In the preamble to the final rule, the agency stated that it did not need to make corresponding amendments to Standard No. 210, *Seat Belt Assembly Anchorages,* to require the installation of anchorages. Anchorages required by Standard No. 210 must meet the strength, location and other performance requirements of that standard. In making this statement, the agency overlooked the exceptions in S4.1.2 of Standard No. 210. That section requires the installation of anchorages for a Type 1 or a Type 2 seat belt assembly for all designated seating positions, except positions required to have an anchorage for a Type 2 seat belt assembly and except for passenger seats in buses. Thus, the anchorages for the Type 1 seat belt assemblies required at passenger seats in small buses by the November 2, 1989 final rule are not currently required to comply with Standard No. 210. The NPRM was intended to correct this oversight.

The agency received three comments on this NPRM. All of the commenters concurred with the suggested amendment with one comment. The comment from Ford Motor Company concerned an error in another final rule which omitted the term ''forward-facing'' from section S4.1.5.1(a)(3) of Standard No. 208. That error was corrected in a separate final rule published on November 29, 1994 (59 FR 60917). As none of the comments addressed issues associated with the July 13 NPRM, NHTSA is adopting the amendments as proposed.

In the NPRM, NHTSA proposed to make the amendment effective 30 days after publication, since NHTSA believed that the anchorages currently being installed by the manufacturers comply with the requirements of Standard No. 210. One commenter specifically addressed this issue and agreed that its products already complied with Standard No. 210's requirements. Therefore, this final rule will be effective 30 days after publication.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' NHTSA has considered the impact of this rulemaking action under the Department of Transportation's regulatory policies and procedures and determined that the action is not ''significant'' under those policies and procedures. While these anchorages are not currently required to comply with Standard No. 210, commenters did not disagree with NHTSA's stated belief that manufacturers do design these anchorages to comply with these requirements. Therefore, NHTSA does not expect any impact from this rule and concludes that preparation of a full regulatory evaluation is not warranted.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this final rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As explained above, NHTSA does not anticipate any impact from this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96–511), NHTSA notes that there are no requirements for information collection associated with this final rule.

National Environmental Policy Act

NHTSA has also analyzed this final rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety