

In order to protect the safety of life and property on the navigable waters during this event, the Coast Guard is establishing a safety zone around the fireworks launching barge on the waters of the Willamette River from river mile 12.8 to river mile 13.1 between the Morrison and Hawthorne Bridges. Entry into this zone will be prohibited unless authorized by the Captain of the Port. This safety zone will be enforced by representatives of the Captain of the Port Portland. The Captain of the Port may be assisted by other federal agencies.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that the entry into the safety zone will only be restricted for 3 hours on the day of the event. The entities most likely to be affected by this action are commercial tug and barge operators on the Willamette River. Most of these entities are aware of the fireworks display and the safety zone, and they can schedule their transits accordingly. If safe to do so, the representative of the Captain of the Port assigned to enforce this safety zone may authorize commercial vessels to pass through the safety zone on a case-by-case basis.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons outlined in the Regulatory Evaluation above, the Coast Guard expects the impact of this final rule to be minimal on all entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule

will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this final rule and has concluded that, under section 2.B.2.c. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Final Regulation

For the reasons set out in the preamble, the Coast Guard amends Part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A temporary section 165.T13-013 is added to read as follows:

§ 165.T13-013 Safety Zone; Willamette River, Portland, OR

(a) *Location.* The following area is a safety zone: All waters on the Willamette River between the Morrison and Hawthorne Bridges from river mile 12.8 to river mile 13.1, Portland, Oregon.

(b) *Definitions.* The *designated representative of the Captain of the Port* is any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Portland, to act on his behalf. The following officers have or will be designated by the Captain of the Port: The Coast Guard Patrol Commander, the

senior boarding officer on each vessel enforcing the safety zone, and the Duty Officer at Coast Guard Group Portland, Oregon.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port or his designated representatives.

(2) A succession of sharp, short signals by whistle, siren, or horn from vessels patrolling the area under the direction of the Patrol Commander shall serve as a signal to stop. Vessels or persons signalled shall stop and comply with the orders of the patrol vessels; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) *Effective Dates.* This section is effective on May 5, 1995, at 8:30 p.m. (PDT) and terminates on May 5, 1995, at 11:30 p.m. (PDT), unless sooner terminated by the Captain of the Port. If the fireworks display is not held on May 5, 1995, because of inclement weather or otherwise, this section will become effective on May 6, 1995, at 8:30 p.m. (PDT) and will terminate on May 6, 1995, at 11:30 p.m. (PDT), unless sooner terminated by the Captain of the Port.

Dated: April 18, 1995.

C.E. Bills,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 95-10534 Filed 4-27-95; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 91-280; FCC 95-114]

Mobile-Satellite Service at 148-149.9 MHz

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Petition for Reconsideration.

SUMMARY: By this action, we deny a Petition for Reconsideration filed by STARSYS, Inc. (STARSYS). In its petition, STARSYS requests either that the Commission increase the permissible duty cycle from 0.25% to 1.0% per 15 minute interval for those systems in the low-Earth orbit (LEO) mobile-satellite service (MSS) operating in the 148-149.9 MHz band that use code division multiple access (CDMA) spread spectrum systems and which do not utilize a system that avoids frequencies used by other services in

this band, or in the alternative, that the Commission exempt from the duty cycle limitation CDMA systems operating below a certain power density. We are taking this action because we continue to believe that the power density and duty cycle requirements we adopted are necessary to prevent interference to incumbent government fixed and mobile operations that will share this band with LEO MSS on a co-primary basis.

EFFECTIVE DATE: May 30, 1995.

FOR FURTHER INFORMATION CONTACT:

Ray LaForge, Office of Engineering and Technology, telephone (202) 739-0598.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order* in ET docket No. 91-280, adopted March 14, 1995 and released March 30, 1995. The complete text of this *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Public Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this *Memorandum Opinion and Order* also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., 2100 M Street, NW, Suite 140, Washington DC 20036, (202) 857-3800.

Summary of Memorandum Opinion and Order

1. STARSYS argued that the Commission has created redundant and excessive interference protection criteria by adopting both maximum power density and duty cycle limitations. It contends that either limitation alone is sufficient to provide protection to existing fixed and mobile government users. STARSYS requested that the Commission exempt LEO MSS systems using CDMA spread spectrum that operate with E.I.R.P. power densities below -16 dBW/4kHz from compliance with the 0.25% per 15 minute transmission duty cycle limitation. Alternatively, STARSYS requests that the Commission modify the 0.25% per 15 minute transmission time limit for CDMA systems to 1.0% per 15 minute period.

2. STARSYS stated that the duty cycle limit of 0.25% per 15 minute interval was intended to accommodate a data transmission rate of 4800 bits per second (bps) that was specified in its 1990 license application to construct and operate a system using CDMA

spread spectrum. However, it now claims that unanticipated interference in the 148-149.9 MHz band may force it to use a lower data transmission rate of 1200 bps, which, with a duty cycle of 0.25% per 15 minute interval, will result in an intolerably low data throughput. It argued that with a duty cycle of 1.0% per 15 minute period, its system would achieve throughput approximately equivalent to the throughput achieved with a data rate of 4800 bps when used with a duty cycle of 0.25% per 15 minute period. Accordingly, STARSYS requested that the duty cycle be increased to 1.0% to accommodate its lowering of the transmission rate to 1200 bps.

3. NTIA, as representative of the government users of the 148-149.9 MHz band, opposed STARSYS' request for relaxation of the duty cycle requirement. NTIA submitted a report to the Commission through the Interdepartment Radio Advisory Committee. The report concludes that in cases in which multiple earth stations exist within range of specific government mobile systems, the duty cycle limitation adopted by the Commission is necessary to protect these government systems.

4. We recognize that the power and duty cycle requirements will impose limitations on satellite operations in the 148-149.9 MHz band. However, we must ensure that adequate protection is afforded to the incumbent government users of the band. The regulations adopted in the *Report and Order*, ET Docket 92-28, 8 FCC Rcd 812, 58 FR 16360 (March 26, 1993), to provide this protection were developed through lengthy negotiations between the Commission and NTIA and in consultation with potential LEO MSS users. Therefore, to the extent STARSYS is requesting a change of our rules that now impose both the power density and duty cycle limitations, we do not find an adequate basis in the petition or the comments to make such a change. Moreover, to the extent STARSYS is requesting a waiver of these rules, we find that STARSYS has failed to sustain its heavy burden for a waiver. STARSYS has not shown how exempting it from the duty cycle requirement will better serve the public interest, particularly in light of NTIA's report, with which we agree, that the duty cycle limitation is necessary to protect government users in this band.

5. We also deny STARSYS' request to modify the duty cycle limitation for

CDMA systems. As we have stated above, NTIA's report indicates that the duty cycle limitation we adopted is necessary to protect government users in this band. The development and provision of LEO MSS must not result in unacceptable interference to those users. Therefore, we will not modify the duty cycle limitation for CDMA systems.

6. Accordingly, STARSYS' Petition for Reconsideration is DENIED. We are also republishing in the Amendatory Text a copy of the final rules since the original rules were not depicted accurately at the time of the *Report and Order*. This action is taken pursuant to Sections 4(i), 7(a), 303(c), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157(a), 303(c), 303(g) and 303(r).

List of Subjects in 47 CFR Part 2

Radio.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Amendatory Text

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

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

1. The authority citation in Part 2 continues to read:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 154(i), 302, 303, 303(r), and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations is amended as follows:

a. The entries for 137.0-138.0, 146.0-149.9, 149.9-150.05, 399.9-400.05, and 400.15-401.0 MHz are removed and new entries for 137-138.0, 146.0-148, 148-149.9, 149.9-150.05, 399.9-400.05, and 400.15-401 MHz are added in numerical order.

b. International Footnotes Nos. 599A, 599B, 608A, 608B, 608C, 609B, 647A, and 647B are added.

c. United States (US) Footnotes US318, US319, US320, US322, US323, US324, US325, and US326 are

The additions, and revisions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

International Table			United States Table		FCC use designators	Special-use frequencies
Region 1 allocation MHz	Region 2 allocation MHz	Region 3 allocation MHz	Government allocation MHz	Non-Government allocation MHz	Rule part(s)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
METEOROLOGICAL AIDS	METEOROLOGICAL AIDS	METEOROLOGICAL AIDS	METEOROLOGICAL AIDS (radio-sonde)	METEOROLOGICAL AIDS (radio-sonde)	SATELLITE COMMUNICA- (25)	
METEORO-LOGICAL-SATELLITE (space-to-Earth)	METEORO-LOGICAL-SATELLITE (space-to-Earth)	METEORO-LOGICAL-SATELLITE (space-to-Earth)	METEOROLOGICAL-SATELLITE (space-to-Earth)	METEOROLOGICAL-SATELLITE (space-to-Earth)		
SPACE RESEARCH (space-to-Earth) 647A	SPACE RESEARCH (space-to-Earth) 647A	SPACE RESEARCH (space-to-Earth) 647A	SPACE RESEARCH (space-to-Earth) 647A	SPACE RESEARCH (space-to-Earth) 647A		
MOBILE-SATELLITE (space-to-Earth) 599B	MOBILE-SATELLITE (space-to-Earth) 599B	MOBILE-SATELLITE (space-to-Earth) 599B	MOBILE-SATELLITE (space-to-Earth) 599B	MOBILE-SATELLITE (space-to-Earth) 599B		
Space-Operation (space-to-Earth)	Space-Operation (space-to-Earth)	Space-Operation (space-to-Earth)	US319 US320 US324 Space Operation (space-to-Earth)	US319 US320 US324 Space Operation (space-to-Earth)		
647 647B	647 647B	647 647B	647 647B US70	647 647B US70	*	*

International Footnotes

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599A The use of the band 137–138 MHz by the mobile-satellite service is subject to the application of the coordination and notification procedures set forth in Resolution RES46 (WARC–92). However, coordination of a space station of the mobile-satellite service with respect to terrestrial services is required only if the power flux-density produced by the station exceeds – 125 dB(W/m²/4 kHz) at the Earth’s surface. The above power flux-density limit shall apply until such time as a competent world administrative radio conference revises it. In making assignments to the space stations in the mobile-satellite service in the above band, administrations shall take all practicable steps to protect the radio astronomy service in the 150.05–153 MHz band from harmful interference from unwanted emissions.

599B The use of the bands 137–138 MHz, 148–149.9 MHz and 400.15–401 MHz by the mobile-satellite service and the band 149.9–150.05 MHz by the land mobile-satellite service is limited to non-geostationary-satellite systems.

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608A The use of the band 148–149.9 MHz by the mobile-satellite service is subject to the application of the coordination and notification procedures set forth in Resolution RES46 (WARC–92). The mobile-satellite service shall not constrain the development and use of fixed, mobile and space operation services in the band 148–149.9 MHz. Mobile earth stations in the mobile-satellite service shall not produce a power flux-density in excess of – 150 dB(W/m²/4 kHz) outside national boundaries.

608B The use of the band 149.9–150.05 MHz by the land mobile-satellite service is subject to the application of the coordination and notification procedures set forth in Resolution RES46 (WARC–92). The land mobile-satellite service shall not constrain

the development and use of the radionavigation-satellite service in the band 149.9–150.05 MHz. Land mobile earth stations of the land mobile-satellite service shall not produce power flux-density in excess of – 150 dB(W/m²/4kHz) outside national boundaries.

608C Stations of the mobile-satellite service in the band 148–149.9 MHz shall not cause harmful interference to, or claim protection from stations of the fixed or mobile services in the following countries: Algeria, the Federal Republic of Germany, Saudi Arabia, Australia, Austria, Bangladesh, Belarus, Belgium, Brunei Darussalam, Bulgaria, Cameroon, Canada, Cyprus, Colombia, Congo, Cuba, Denmark, Egypt, the United Arab Emirates, Ecuador, Spain, Ethiopia, the Russian Federation, Finland, France, Ghana, Greece, Honduras, Hungary, Iran, Ireland, Iceland, Israel, Italy, Japan, Jordan, Kenya, Libya, Liechtenstein, Luxembourg, Malaysia, Mali, Malta, Mauritania, Mozambique, Namibia, Norway, New Zealand, Oman, Pakistan, Panama, Papua New Guinea, the Netherlands, Phillipines, Poland, Portugal, Qatar, Syria, Romania, the United Kingdom, Singapore, Sri Lanka, Sweden, Switzerland, Suriname, Swaziland, Tanzania, Chad, the Czech and Slovak Federal Republic, Thailand, Tunisia, Turkey, Ukraine, Yemen and Yugoslavia that operate in accordance with the Table of Frequency Allocations.

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609B In the band 149.9–150.05MHz, the allocation to the land mobile-satellite service shall be on a secondary basis until 1 January 1997.

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647A The band 400.15–401 MHz is also allocated to the space research service in the space-to-space direction for communications with manned space vehicles. In this application, the space research service will not be regarded as a safety service.

647B The use of the band 400.15–401 MHz by the mobile-satellite service is subject to the application of the coordination and notification procedures set forth in Resolution RES46 (WARC–92). However, coordination of a space station of the mobile-satellite service with respect to terrestrial services is required only if the power flux-density produced by the station exceeds – 125 dB(W/m²/4kHz) at the Earth’s surface. The above power flux-density limit shall apply until such time as a competent world administrative radio conference revises it. In making assignments to the space stations in the mobile-satellite service in the above band, administrations shall take all practicable steps to protect the radio astronomy service in the band 406.1–410 MHz from harmful interference from unwanted emissions.

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United States (US) Footnotes

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US318 Until January 1, 2000, the use of the 137–138 MHz band by the mobile-satellite service will be secondary to Government satellite operations in the subbands: 137.333–137.367, 137.485–137.515, 137.605–137.635 and 137.753–137.787 MHz.

US319 In the 137–138, 148–149.9, 149.9–150.05, 399.9–400.05, and 400.15–401 MHz bands, Government stations in the mobile-satellite service shall be limited to earth stations operating with non-Government satellites.

US320 Use of the 137–138, 148–149.9, and 400.15–401 MHz bands by the mobile-satellite service is limited to non-voice, non-geostationary satellite systems and may include satellite links between land earth stations at fixed locations.

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US322 The 149.9–150.05 MHz band is allocated to the mobile-satellite service (Earth-to-space) on a primary basis after 1 January 1997 and shall be limited to non-

voice, non-geostationary satellite systems, including satellite links between land earth stations. Before 1 January 1997 use of this band on a secondary basis for the mobile satellite service is allowed for land earth stations at fixed locations.

US323 In the 148–149.9 MHz band, no individual mobile earth station shall transmit, on the same frequency being actively used by fixed and mobile stations and shall transmit no more than 1% of the time during any 15 minute period; except, individual mobile earth stations in this band that do not avoid frequencies actively being used by the fixed and mobile services shall not exceed a power density of –16 dBW/4kHz and shall transmit no more than 0.25% of the time during any 15 minute period. Any single transmission from any individual mobile earth station operating in this band shall not exceed 450 ms in duration and consecutive transmissions from a single mobile earth station on the same frequency shall be separated by at least 15 seconds. Land earth stations in this band shall be subject to electromagnetic compatibility analysis and coordination with terrestrial fixed and mobile stations.

US324 Government and non-Government satellite systems in the 400.15–401 MHz band shall be subject to electromagnetic compatibility analysis and coordination.

US325 In the band 148–149.9 MHz fixed and mobile stations shall not claim protection from land earth stations in the mobile-satellite service that have been previously coordinated; Government fixed and mobile stations exceeding 27 dBW EIRP, or an emission bandwidth greater than 38 kHz, will be coordinated with existing mobile-satellite service space stations.

US326 The 399.9–400.05 MHz band is allocated to the mobile-satellite service (Earth-to-space) on a primary basis after January 1, 1997 and shall be limited to non-voice, non-geostationary satellite systems, including satellite links between land earth stations.

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[FR Doc. 95–10427 Filed 4–27–95; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 94–79; RM–8493]

Radio Broadcasting Services; Pine Hill, AL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 244A to Pine Hill, Alabama, as that community's first local aural transmission service, in response to a petition for rule making filed by R. J. Miller. See 59 FR 35894, July 14, 1994. Coordinates used for Channel 244A at Pine Hill are North Latitude 32–01–38 and West Longitude 87–37–23. With this action, the proceeding is terminated.

DATES: Effective June 8, 1995. The window period for filing applications for Channel 244A at Pine Hill, Alabama, will open on June 8, 1995, and close on July 10, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 244A at Pine Hill, Alabama, should be addressed to the Audio Services Division, FM Branch, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94–79, adopted April 14, 1995, and released April 24, 1995. 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, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1919 M Street, NW, Room 246, or 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by adding Pine Hill, Channel 244A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–10469 Filed 4–27–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

Radio Broadcasting Services; Various Communities

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various

communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 54 FR 11953 (1989), and the *Amendment of the Commission's Rules to Permit FM Channel and Class Modifications [Upgrades] by Applications*, 58 FR 38534 (1993).

EFFECTIVE DATE: April 28, 1995.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, adopted April 12, 1995, and released April 24, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW, Suite 140, Washington, D.C. 20037, (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: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 297A and adding Channel 297C2 at Chinle; and by removing Channel 280A and adding Channel 280C3 at Coolidge; and by removing Channel 274C1 and adding Channel 274C3 at Window Rock.

3. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 226C1 and adding Channel 226C at Batesville.

4. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 277A and adding Channel 277B1 at Lindsay; and by removing Channel 239B1 and adding Channel 239A at Twentynine Palms.