

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[CA 95-7-6789b; FRL-5280-2]

**Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which control oxides of nitrogen (NO<sub>x</sub>) from industrial, commercial, and institutional boilers, steam generators, and process heaters. The intended effect of proposing approval of these rules is to regulate emissions of NO<sub>x</sub> in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Rules Section of this **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by October 6, 1995.

**ADDRESSES:** Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board,  
Stationary Source Division, Rule  
Evaluation Section, 2020 "L" Street,  
Sacramento, CA 95812.

South Coast Air Quality Management  
District, 21865 E. Copley Drive,  
Diamond Bar, CA 91765-4182.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, Rulemaking Section (A-5-3), Air and Toxics Division, U.S.

Environmental Protection Agency,  
Region IX, 75 Hawthorne Street, San  
Francisco, CA 94105-3901, Telephone:  
(415) 744-1200.

**SUPPLEMENTARY INFORMATION:** This document concerns South Coast Air Quality Management District Rule 1146, Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters, and Rule 1146.1, Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters. Both of these rules were submitted to EPA on July 13, 1994 by the California Air Resources Board. For further information, please see the information provided in the direct final action which is located in the Rules Section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: August 8, 1995.

**Felicia Marcus,**

*Regional Administrator.*

[FR Doc. 95-21878 Filed 9-5-95; 8:45 am]

**BILLING CODE 6560-50-W**

**40 CFR Part 52**

[SD6-1-6947b and SD5-1-6191b; FRL-5279-4]

**Clean Air Act Approval and Promulgation of State Implementation Plan for South Dakota; Revisions to the Air Pollution Control Program****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, the EPA is proposing approval of revisions to the South Dakota State Implementation Plan (SIP) submitted by the State of South Dakota on November 12, 1993 and March 7, 1995. The submittals included regulatory revisions to the State's definitions, minor source construction and federally enforceable state operating permit (FESOP) rules, source category emission limitations, sulfur dioxide (SO<sub>2</sub>) rules, new source performance standards (NSPS), new source review (NSR) requirements for new and modified major sources impacting nonattainment areas, and enhanced monitoring and compliance certification requirements. In the final rules section of this **Federal Register**, the EPA is acting on the State's SIP submittals in a

direct final rule without prior proposal because the Agency views these submittals as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, then the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this notice. Any parties interested in commenting on this notice should do so at this time.

**DATES:** Comments on this proposed action must be received in writing by October 6, 1995.

**ADDRESSES:** Written comments should be addressed to Vicki Stamper, 8ART-AP, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations: Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466; and South Dakota Department of Environment and Natural Resources, Division of Environmental Regulation, Joe Foss Building, Pierre, South Dakota 57501.

**FOR FURTHER INFORMATION CONTACT:** Vicki Stamper, 8ART-AP, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466, (303) 293-1765.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule of the same title which is located in the Rules Section of this **Federal Register**.

Dated: August 10, 1995.

**Jack W. McGraw,**

*Acting Regional Administrator.*

[FR Doc. 95-21880 Filed 9-5-95; 8:45 am]

**BILLING CODE 6560-50-P-M**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 25**

[IB Docket No. 95-117; FCC 95-285]

**Satellite Application and Licensing Procedures****AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission has proposed rules and policies to streamline application and licensing requirements for satellite space and earth stations under the commission's rules regarding satellite communications. Among other things, this document proposes to waive the construction permit requirement for satellite space stations and modify the license term for temporary fixed earth stations and the implementation period for Very Small Aperture Terminal ("VSAT") earth stations. The item also proposes amendments concerning minor modifications for earth stations, inclined orbit operations of space stations, and application and licensing forms. Comments are requested on all aspects of the proposals.

**DATES:** Comments must be submitted on or before October 4, 1995; reply comments must be submitted on or before October 25, 1995.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Paula Ford, International Bureau, Satellite Policy Branch, (202) 739-0733; Frank Peace, International Bureau, Satellite Engineering Branch, (202) 739-0513; Kathleen Campbell, International

Bureau, Satellite Policy Branch, (202) 739-0729.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking in IB Docket No. 95-117; FCC 95-285, adopted July 13, 1995 and released August 11, 1995. The complete text of this Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

The following collection of information contained in the *Notice* has been submitted to the Office of Management and Budget for review under Section 3507(d) of the Paperwork Reduction Act (44 U.S.C. 3507(d)). For copies of the submissions contact Dorothy Conway at (202) 418-0217 or access our fax on demand system at 202-418-0177 from the handset on your fax machine and using the document retrieval number 6000000. Persons wishing to comment on this collection of information should direct their comments to Timothy Fain (202) 395-3561, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503. Specifically, the Commission requests that parties provide comments

on: (1) The necessity of the proposed collection of information for the proper performance of the functions of the agency, including whether the information has practical utility; (2) the accuracy of the agency's estimates of the burden of the proposed collection of information; (3) enhancing the quality, utility, and clarity of the information to be collected; and (4) minimizing the burden of the collection of information on parties responding. Comments must be filed with the Office of Management and Budget within sixty days of publication of this summary in the **Federal Register**. A copy of any comments filed with the Office of Management and Budget should also be sent to the following address at the Commission: Federal Communications Commission, Records Management Division, Room 234, Paperwork Reduction Project, Washington, DC 20554. For further information contact Judy Boley, (202) 418-0210.

**Title:** In the Matter of Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures.

**Action:** Proposed new and revised collection.

**Affected Public/Respondents:** Businesses or other for profit, including small businesses.

**Frequency of Response:** On occasion, annually.

REPORTING REQUIREMENTS

Proposed sections	No. of respondents	Hours per response	Total annual reporting hours
Space Stations: 25.113, 25.114, 25.140, 25.210, 25.280, 25.300 .....	125	9.5	1,187.5
Earth Stations: 25.115, 25.118, 25.134, 25.277, 25.300 .....	500	2.5	1,250
Proposed FCC Form 312 (used by both space and earth stations) .....	300	4	1,200
Information for Adjacent Satellite Interference Analysis Database .....	50	24	*1,200

\* Represents the hours for the periodic reporting of information. We propose to collect the information whenever there is a new processing round. The 1,200 figure represents reporting hours for the year in which information is collected.

**Needs and Uses:** In accordance with the Communications Act, the information collected will be used by the Commission in granting various authorizations and determining the technical, legal, and financial qualifications of a satellite applicant or licensee.

As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document.

**Summary of Notice of Proposed Rulemaking**

In light of the evolving satellite technology, the Commission commenced a review of its operations in order to eliminate outdated regulations and unnecessary burdens that impede the introduction of satellite services to the public and the efficient processing of satellite applications and licenses. As a result of this review, the Commission created the International Bureau. Soon after its creation, the new International Bureau held a roundtable discussion in February with representatives of industry and members of the public to solicit suggestions on ways to improve satellite application and licensing policies and procedures. Many of the

recommendations made during that roundtable discussion have been incorporated in this Notice of Proposed Rulemaking.

The proposals amend or eliminate existing requirements, and codify in Part 25 of the Commission's rules, various technical and procedural policies and guidelines that have not yet been specifically codified. Among other things, the *Notice* proposes to waive the construction permit requirement for satellite space stations; increase the license term, from one year to ten years, for temporary fixed earth stations operating in the C-band; eliminate the four year implementation period for VSATs allowing VSAT licensees to construct their network over the course

of their ten year license term; eliminate the annual reporting requirement for VSATs; simplify the earth and space station application process by revising and consolidating FCC Forms 430, 493, 702, and 704; eliminate redundant reporting requirements for earth and space stations; allow earth station operators to make minor technical modifications to their stations without prior authorization from the Commission; and allow satellites to operate in inclined orbits without prior authorization from the Commission.

Given the large outlay of capital and long-term planning necessary to establish satellite systems, it is necessary to ensure that potential applicants and service providers are not hampered by unnecessary and sometimes redundant regulations. The proposed amendments recognize the need of the satellite industry to operate in an environment defined by growth, innovation, efficiency, and competition. Comments are requested on all aspects of these proposals. Specific proposals and recommendations are requested for any additional streamlining rule changes.

#### Ordering Clauses

Accordingly, *It is Ordered* that pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ (4)(i) and 303, NOTICE IS HEREBY GIVEN of our intent to adopt the rule revisions set forth below and the proposed form set forth below.

*It is Further Ordered* that the Secretary shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law No. 96-354, 94 Stat. 1164, 5 U.S.C. § 601 *et seq* (1981).

#### Administrative Matters

This is a non-restricted notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a). The Sunshine Agenda period is the period of time that commences with the release of public notice that a matter has been placed on the Sunshine Agenda and terminates when the Commission (1) releases the text of a decision or order in the matter; (2) issues a public notice stating that the

matter has been deleted from the Sunshine Agenda; or (3) issues a public notice stating that the matter has been returned to the staff for further consideration, whichever occurs first. 47 CFR 1.1202(f). During the Sunshine Agenda period, no presentations, ex parte or otherwise, are permitted unless specifically exempted. 47 CFR 1.1203.

Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before October 4, 1995 and reply comments on or before October 25, 1995. To file formally in this proceeding, you must file an original and five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments send additional copies to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Federal Communications Commission, Reference Center, Room 239, 1919 M Street, NW., Washington, DC 20554. For further information concerning this rulemaking contact Paula Ford at (202) 739-0733.

#### Initial Regulatory Flexibility Act Statement

As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA") of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth in Appendix A. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis.

#### List of Subjects in 47 CFR Part 25

Satellites.  
Federal Communications Commission.  
**William F. Caton,**  
*Acting Secretary.*

#### Proposed Rules

Part 25 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

#### PART 25—SATELLITE COMMUNICATIONS

1. The authority citation for part 25 continues to read as follows:

**Authority:** Sections 101-404, 76 Stat. 419-427; 47 U.S.C. 701-744, Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.

2. Section 25.113 is amended by revising paragraphs (a) and (d) to read as follows:

#### § 25.113 Construction permits.

(a) Except as provided in paragraph (b) of this section or in § 25.131, construction permits must be obtained for all fixed or temporary fixed earth stations governed by this part. Simultaneous application for a construction permit and station license may be made for all earth station facilities governed by this part.

\* \* \* \* \*

(d) A launch authorization must be applied for and granted before a space station may be launched and operated in orbit. Request for launch authorization may be included in an application for space station license. A launch authorization and station license may also be requested at any time for a space station constructed as an on-ground spare satellite. However, an application for authority to launch and operate an on-ground spare domestic satellite will be considered to be a newly filed application for cut-off purposes, except where the space station to be launched is determined to be an emergency replacement for a previously authorized space station that has been lost as a result of a launch failure or a catastrophic in-orbit failure.

3. Section 25.114 is revised to read as follows:

#### § 25.114 Applications for space station authorizations.

(a) A comprehensive proposal shall be submitted for each proposed space station in narrative form with attached exhibits as described in paragraph (c) of this section. If an applicant is proposing more than one space station, information common to all space stations may be submitted in a consolidated system proposal.

(b) Each application for a new or modified space station authorization must constitute a concrete proposal for Commission evaluation, although the applicant may propose alternatives that increase flexibility in accommodating the satellite in orbit. Each application must also contain the formal waiver required by Section 304 of the Communications Act, 47 U.S.C. 304.

The technical information for a proposed satellite system need not be filed on any prescribed form but should be complete in all pertinent details. The format of the applications should conform to the specifications of § 1.49 of this chapter.

(c) The following information shall be contained in each application:

(1) Name, address, and telephone number of the applicant.

(2) Name, address, and telephone number of the person(s), including counsel, to whom inquiries or correspondence should be directed.

(3) Type of authorization requested (e.g., launch authority, station license, modification of authorization).

(4) General description of overall system facilities, operations and services.

(5) Radio frequencies and polarization plan (including beacon, telemetry, and telecommand functions), center frequency and polarization of transponders (both receiving and transmitting frequencies), emission designators and allocated bandwidth of emission, final amplifier output power (identify any net losses between output of final amplifier and input of antenna and specify the maximum EIRP for each antenna beam), identification of which antenna beams are connected or switchable to each transponder and TT&C function, receiving system noise temperature, the relationship between satellite receive antenna gain pattern and gain-to-temperature ratio and saturation flux density for each antenna beam (may be indicated on antenna gain plot), the gain of each transponder channel (between output of receiving antenna and input of transmitting antenna) including any adjustable gain step capabilities, and predicted receiver and transmitter channel filter response characteristics.

(6)(i) For satellites in geostationary-satellite orbit, orbital location, or locations if alternatives are proposed, requested for the satellite, the factors that support such an orbital assignment, the range of orbital locations from which adequate service can be provided and the basis for determining that range of orbital locations, and a detailed explanation of all factors that would limit the orbital arc over which the satellite could adequately serve its expected users.

(ii) For satellites in non-geostationary-satellite orbits, the number of space stations and applicable information relating to the number of orbital planes, the inclination of the orbital plane(s), the orbital period, the apogee, the perigee, the argument(s) of perigee,

active service arc(s), and right ascension of the ascending node(s).

(iii) For 1.6/2.4 GHz Mobile-Satellite Service space stations, the feeder link frequencies requested for the satellite, together with the demonstration required by § 25.203 (j) and (k).

(7) Predicted space station antenna gain contour(s) for each transmit and each receive antenna beam and nominal orbital location requested. These contour(s) should be plotted on an area map at 2 dB intervals down to 10 dB below the peak value of the parameter and at 5 dB intervals between 10 dB and 10 dB below the peak values, with the peak value and sense for polarization clearly specified on each plotted contour.

(8) A description of the types of services to be provided, and the areas to be served, including a description of the transmission characteristics and performance objectives for each type of proposed service, details of the link noise budget, typical or baseline earth station parameters, modulation parameters, an overall link performance analysis (including an analysis of the effects of each contributing noise and interference source).

(9) For satellites in geostationary-satellite orbit, accuracy with which the orbital inclination, the antenna axis attitude, and longitudinal drift will be maintained.

(10) Calculation of power flux density levels within each coverage area and of the energy dispersal, if any, needed for compliance with § 25.208.

(11) Arrangement for tracking, telemetry, and control.

(12) Physical characteristics of the space station including weight and dimensions of spacecraft, detailed mass (on ground and in-orbit) and power (beginning and end of life) budgets, and estimated operational lifetime and reliability of the space station and the basis for that estimate.

(13) Detailed information demonstrating the financial qualifications of the applicant to construct and launch the proposed satellites. Applications for domestic fixed-satellite systems and mobile-satellite systems shall provide the financial information required by § 25.140 (b) through (e), § 25.142(a)(4), or § 25.143(b)(3), as appropriate. Applications for international satellite systems authorized pursuant to *Establishing of Satellite Systems Providing International Communications*, 101 FCC 2d 1046 (1985), *recon.*, 61 RR 2d 649 (1986), *further recon.*, 1 FCC Rcd 439 (1986) (available at the Commission's Library

in Washington, DC), shall provide the information required by that decision.

(14) Qualifications of applicant. FCC Form 312, Main Form. If FCC Form 312, Main Form, is already on file, indicate date, radio service and file number of most recent filing.

(15) A clear and detailed statement of whether the space station is to be operated on a common carrier basis, or whether noncommon carrier transactions are proposed. If noncommon carrier transactions are proposed, describe the nature of the transactions and specify the number of transponders to be offered on a noncommon carrier basis.

(16) Dates by which construction will be commenced and completed, launch date, and estimated date of placement into service.

(17) Public interest considerations in support of grant.

(18) Applications for authorizations for domestic fixed-satellite space stations shall also include the information specified in § 25.140.

(19) Applications for international fixed-satellite authorizations shall also provide all information necessary to comply with the policies and procedures set forth in *Establishing of Satellite Systems Providing International Communications*, 101 FCC 2d 1046 (1985) (available at the Commission's Library in Washington, DC), as modified by *Permissible Services of U.S. license International Communications Satellite Systems*, Order, FCC 92-95 released April 8, 1992 (available through the Commission's Public Reference Room in Washington, DC).

(20) Applications for authorizations in the Radiodetermination Satellite Service shall also include the information specified in § 25.141.

(21) Applications for authorizations in the Mobile Satellite Service in the 1545-1559/1646.5-1660.5 MHz frequency bands shall also provide all information necessary to comply with the policies and procedures set forth in *Rules and Policies Pertaining to the Use of Radio Frequencies in a Land Mobile Satellite Service*, 2 FCC Rcd 485 (1987) (available at the Commission's Library in Washington, DC).

(22) Applications to license multiple space station systems in the non-voice, non-geostationary mobile-satellite service under blanket operating authority shall also provide all information specified in § 25.142.

(23) Applications for authorizations in the 1.6/2.4 GHz Mobile-Satellite Service shall also provide all information specified in § 25.143.

(d) Applicants requesting authority to construct and/or launch a system comprised of technically identical, non-geostationary satellite orbit mobile-satellite service space stations may file a single "blanket" application containing the information specified in paragraph (c) of this section for each representative space station.

4. Section 25.115 is amended by revising paragraphs (a), (b), and (c)(1), (c)(2) and (d) to read as follows:

**§ 25.115 Application for earth station authorizations.**

(a) Transmitting earth stations. Except as provided under § 25.113(b), Commission authorization must be obtained for authority to construct and/or operate a transmitting earth station. Applications shall be filed on FCC Form 312, Main Form and Schedule C, and include the information specified in § 25.130.

(b) Receive-only earth stations. Applications to license or register receive only earth stations shall be filed on FCC Form 312, Main Form and Schedule C, and conform to the provisions of § 25.131.

(c) \* \* \*  
(1) An FCC Form 312, Main Form and Schedule B, for each large (5 meters or larger) hub station operating with the network,

(2) An FCC Form 312, Main Form and Schedule B, for each representative type of small antenna (less than 5 meters).

(d) User transceivers in the non-voice, non-geostationary mobile-satellite service need not be individually licensed. Service vendors may file blanket applications for transceivers units using FCC Form 312, Main Form and Schedule C, and specifying the number of units to be covered by the blanket license. Each application for a blanket license under this section shall include the information described in § 25.135.

5. Section 25.117 is amended by revising the first sentence of paragraph (a) to read as follows:

**§ 25.117 Modification of station license.**

(a) Except as provided for in § 25.118 (Modifications not requiring prior authorization), no modification of a radio station governed by this part which affects the parameters or terms and conditions of the station authorization shall be made except upon application to and grant of such application by the Commission. \* \* \*

6. Section 25.118 through 25.120 are redesignated as §§ 25.119 through 25.121, respectively.

7. A new § 25.118 is added to read as follows:

**§ 25.118 Modifications not requiring prior authorization.**

(a) Equipment in an authorized earth station may be replaced without prior authorization or notification if the replacement equipment is electrically identical to the replaced equipment.

(b) A licensee providing service on a private carrier basis may change its operations to common carrier status without obtaining prior Commission authorization by notifying the Commission by letter within 30 days after the completed change to common carrier status.

(c) Earth station licensees may make facility changes without obtaining prior Commission authorization, by notifying the Commission by letter within 30 days after the modification is completed, if frequency coordination procedures, as necessary, are complied with in accordance with § 25.251, and the modification does not involve:

- (1) An increase in EIRP or EIRP density;
- (2) An increase in transmitter power;
- (3) A change in coordinates for stations operating in C-Band;
- (4) A change in coordinates of 10 seconds or greater for stations operating in Kuband;
- (5) A change or addition to antenna facilities.

8. The newly designated § 25.119 is amended by revising the first sentences of paragraph (c) and (d) and the last sentence of paragraph (f) to read as follows:

**§ 25.119 Assignment or transfer of control of station authorization.**

(c) Assignment of license. FCC Form 312, Main Form and Schedule A, shall be submitted to assign voluntarily (as by, for example, contract or other agreement) or involuntarily (as by, for example, death, bankruptcy, or legal disability) the station authorization.

(d) Transfer of control of corporation holding license. FCC Form 312, Main Form and Schedule A, shall be submitted in order to transfer voluntarily or involuntarily (*de jure* or *de facto*) control of a corporation holding any licenses. \* \* \*

(f) \* \* \* Within 30 days of consummation, the Commission shall be notified by letter of the date of consummation and the file numbers of the applications involved in the transaction.

9. The newly designated § 25.120 is amended by revising the last sentence of paragraph (a) to read as follows:

**§ 25.120 Application for special temporary authorization.**

(a) \* \* \* A copy of the request for special temporary authority also shall be forwarded to the Commission's Columbia Operations Center in Columbia, Maryland.

\* \* \* \* \*

10. The newly designated § 25.121 is amended by revising paragraph (a) to read as follows:

**§ 25.121 License term and renewals.**

(a) License term. Licenses for facilities governed by this part will be issued for a period of 10 years.

\* \* \* \* \*

11. Section 25.130 is amended by revising paragraph (a) to read as follows:

**§ 25.130 Filing requirements for transmitting earth stations.**

(a) Application for a new or modified transmitting earth station facility shall be submitted on FCC Form 312, Main Form and Schedule C, accompanied by any required exhibits.

\* \* \* \* \*

12. Section 25.131 is amended by revising paragraphs (a), (d), and (j) to read as follows:

**§ 25.131 Filing requirements for receive-only earth stations.**

(a) Except as provided in paragraphs (b) and (j) of this section, applications for a license for a receive-only earth station shall be submitted on FCC Form 312, Main Form and Schedule C, accompanied by any required exhibits.

\* \* \* \* \*

(d) Applications for registration shall be filed on FCC Form 312, Main Form and Schedule C, accompanied by the coordination exhibit required by 25.203, and any other required exhibits. Any application that is deficient or incomplete in any respect shall be immediately returned to the applicant without processing.

\* \* \* \* \*

(j) Receive-only earth stations operating with (1) INTELSAT space stations, (2) international space stations, or (3) U.S. domestic and non-U.S. space stations for reception of services from other countries, shall file an FCC Form 312, Main Form and Schedule C, requesting a license for such station. Receive-only earth stations used to receive INTELNET I services from INTELSAT space stations need not file for licenses. See Deregulation of Receive-Only Satellite Earth Stations Operating with the INTELSAT Global

Communications Satellite System, Declaratory Ruling, RM No. 4845, FCC 86-214 (released May 19, 1986) (available through the Commission's Reference Center in Washington, D.C.).

13. Section 25.134 is amended by revising the first sentences of paragraphs (a) and (b) and adding paragraph (d) to read as follows:

**§ 25.134 Licensing Provisions of Very Small Aperture Terminal (VSAT) Networks.**

(a) All applications for digital VSAT networks with maximum outbound downlink EIRP densities of +6.0 dBW/4 kHz per carrier and earth station antennas with maximum input power densities of -14 dBW/4 kHz and maximum hub EIRPs of 78.3 dBW will be processed routinely. \* \* \*

(b) Each applicant for digital and/or analog VSAT network authorization proposing to use transmitted satellite carrier EIRP densities in excess of +6.0 dBW/4 kHz per carrier and +13.0 dBW/4 kHz, respectively, and/or maximum antenna input power densities of -14.0 dBW/4 kHz dBW and -8.0 dBW/4 kHz, respectively, shall conduct an engineering analysis using the Sharp, Adjacent Satellite Interference Analysis (ASIA) program. \* \* \*

(d) An application for VSAT authorization shall be filed on FCC Form 312. Main Form and Schedule B. A VSAT licensee applying to renew its license must include on FCC Form 405, the number of constructed VSAT units in its network.

14. Section 25.140 is revised to read as follows:

**§ 25.140 Qualifications of domestic fixed-satellite space stations.**

(a) Each applicant for a space station authorization in the domestic fixed-satellite service must demonstrate, on the basis of the documentation contained in its application, that it is legally, financially, technically, and otherwise qualified to proceed expeditiously with the construction, launch and/or operation of each proposed space station facility immediately upon grant of the requested authorization.

(b) Each applicant must provide the following information:

(1) The information specified in § 25.114.

(2) An interference analysis to demonstrate the compatibility of its proposed system 2 degrees from any authorized space station. An applicant should provide details of its proposed r.f. carriers which it believes should be taken into account in this analysis. At a minimum, the applicant must include,

for each type of r.f. carrier, the link noise budget, modulation parameters, and overall link performance analysis. (See, e.g., appendices B and C to Licensing of Space Stations in the Domestic Fixed-Satellite Service, Docket No. 81-704, FCC No. 83-184 (released August 16, 1983) (available through the Commission's Reference Center in Washington, D.C.))

(3) The applicant's current financial ability to meet the:

(i) Estimated costs of proposed construction and/or launch, and any other initial expenses for the space station(s); and

(ii) Estimated operating expenses for one year after launch of the proposed space station(s).

(c) Each application for authority to construct and/or launch a space station shall demonstrate the applicant's current financial ability to meet the costs specified in paragraph (b)(3) of this section by submitting the following financial information verified by affidavit:

(1) A balance sheet current for the latest fiscal year and documentation of any financial commitments reflected in the balance sheet (such as, for example, loan agreements and service contracts) together with an exhibit demonstrating that the applicant has current assets and operating income sufficient to satisfy the requirements of paragraph (c) of this section. If the applicant is owned by more than one corporate parent, it must submit evidence of a commitment to the proposed satellite program by management of the corporate parent upon whom it is relying for financial resources;

(2) If the submissions of paragraph (c)(1) of this section do not satisfy paragraph (b)(3) of this section, the applicant shall submit additional information as listed in paragraphs (c)(2) (i) through (iv) to satisfy paragraph (b)(3) of this section.

(i) The terms of any fully negotiated loan or other form of credit arrangement intended to be used to finance the proposed construction, acquisition, or operation of the requested facilities including such information as the identity of the creditor (or creditors), the amount committed, letters of commitment, detailed terms of the transaction, including the details of any contingencies, and a statement that the applicant complies with paragraph (d) of this section.

(ii) The terms of any fully negotiated sale or placement of any equity or other form of ownership interest, including the sale, or long-term lease for the lifetime of the satellite, of proposed satellite transponder capacity in the

level of detail as specified in paragraph (c)(2)(i) of this section.

(iii) The terms of any grant or other external funding commitment intended to be used to finance the proposed construction, acquisition, or operation of the requested facilities, including such information as the identity of the grantor(s), the amount committed, letters of commitment, and detailed terms of the transaction, including the details of any contingencies;

(iv) Any financing arrangements contingent on further performance by either party, such as marketing of satellite capacity or raising additional financing, will not satisfy the requirements of paragraph (b)(3) of this section.

(3) Whatever other information or details the Commission may require with regard to a specific application or applicant;

(d) Any loan or other credit arrangement providing for a chattel mortgage or secured interest in any proposed facility must include a provision for a minimum of ten (10) days prior written notification to the licensee or permittee, and to the Commission, before any such equipment may be repossessed under any default provision of the agreement.

(e) An applicant found to be qualified pursuant to paragraph (a) of this section may be initially assigned up to two orbital locations in each pair of frequency bands proposed. Authorizations to construct ground spares are at the applicant's risk that launch authorization will not be granted by the Commission.

(f) Each applicant found to be qualified pursuant to paragraph (a) of this section may be assigned no more than one additional orbital location beyond its current authorizations in each frequency band in which it is authorized to operate, provided that its in-orbit satellites are essentially filled and that it has no more than two unused orbital locations for previously authorized but unlaunched satellites in that band.

(g) In the event that one or more applications satisfying the requirements of this section are ready for grant, any orbital location occupied by a satellite that is determined to be a part of a system that is not essentially filled may be cancelled and collocation of in-orbit satellites may be required. The Commission may take this action if, in so doing, it would allow the grant of pending applications that satisfy the requirements of this section. If a cancellation is made, the licensee will be afforded a period of 30 days to notify

the Commission which of its assigned locations should be cancelled.

15. Section 25.141 is amended by revising paragraph (c) to read as follows:

**§ 25.141 Licensing provisions for the radiodetermination satellite service.**

\* \* \* \* \*

(c) User transceivers. Individual user transceivers will not be licensed. Service vendors may file blanket applications for transceiver units using FCC Form 312, Main Form and Schedule C, and specifying the number of units to be covered by the blanket license. Each application must demonstrate that transceiver operations will not cause interference to other users of the spectrum.

\* \* \* \* \*

16. Section 25.142 is amended by revising paragraph (c) introductory text to read as follows:

**§ 25.142 Licensing provisions for the non-voice, non-geostationary mobile-satellite service.**

\* \* \* \* \*

(c) Reporting requirements. All operators of non-voice, non-geostationary mobile-satellite service systems shall, on June 30 of each year, file a report with the International Bureau and the Commission's Columbia Operations Center in Columbia, Maryland containing the following information:

\* \* \* \* \*

17. Section 25.143 is amended by revising paragraph (e)(1) introductory text to read as follows:

**§ 25.143 Licensing provisions for the 1.6/2.4 GHz Mobile-Satellite Service.**

\* \* \* \* \*

(e) \* \* \*

(1) All operators of 1.6/2.4 GHz mobile-satellite systems shall, on June 30 of each year, file with the International Bureau and the Commission's Columbia Operations Center, Columbia, Maryland a report containing the following information:

\* \* \* \* \*

18. Section 25.155 is amended by revising paragraph (b) to read as follows:

**§ 25.155 Mutually exclusive applications.**

\* \* \* \* \*

(b) A space station application will be entitled to comparative consideration with one or more conflicting applications only if:

- (1) The application is mutually exclusive with another application; and
- (2) The application is received by the Commission in a condition acceptable for filing by the "cut-off" date specified in a public notice.

19. Section 25.210 is amended by revising paragraphs (j) introductory text and (j)(3), to read as follows:

**§ 25.210 Technical requirements for space stations in the Fixed-Satellite Service.**

\* \* \* \* \*

(j) All operators of space stations shall, on June 30 of each year, file a report with the International Bureau and the Commission's Columbia Operations Center in Columbia, Maryland containing the following information.

\* \* \* \* \*

(3) A detailed description of the utilization made of each transponder on each of the in-orbit satellites. That description should identify the total capacity or the percentage of time each transponder is actually used for transmission, and the amount of unused system capacity in the transponder.

\* \* \* \* \*

20. Section 25.211 is amended by adding paragraph (d), to read as follows:

**§ 25.211 Video Transmissions in the Domestic Fixed-Satellite Service.**

\* \* \* \* \*

(d) In the 6 GHz band, an earth station with an equivalent diameter of 9 meters or smaller may be routinely licensed for transmission of full transponder services if the maximum power into the antenna does not exceed 450 watts (26.5 dBW). In the 14 GHz band, an earth station with an equivalent diameter of 5 meters or smaller may be routinely licensed for transmission of full transponder services if the maximum power into the antenna does not exceed 500 watts (27 dBW).

21. Section 25.212 is amended by adding paragraphs (c) and (d), to read as follows:

**§ 25.212 Narrowband transmissions in the Fixed-Satellite Service.**

\* \* \* \* \*

(c) In the 14 GHz band, and earth station with an equivalent diameter of 1.2 meters or greater may be routinely licensed for transmission of narrowband analog services with bandwidths up to 200 kHz if the maximum power densities into the antenna do not exceed - 8 dBW/4 kHz and the maximum transmitted satellite carrier power densities do not exceed 13 dBW/4 kHz.

(d) In the 6 GHz band, an earth station with an equivalent diameter of 4.5 meters or greater may be routinely licensed for transmission of SCPC services if the maximum power densities into the antenna do not exceed +0.5 dBW/4 kHz for analog SCPC carriers with bandwidths up to 200 kHz, and do not exceed - 2.7 dBW/4 kHz for digital SCPC carriers.

22. Section 25.251 is revised to read as follows:

**§ 25.251 Special requirements for coordination.**

(a) The administrative aspects of the coordination process are set forth in §§ 21.100(d) and 21.706 (c) and (d) of this chapter in the case of coordination of terrestrial stations with earth stations, and in § 25.203 in the case of coordination of earth stations with terrestrial stations.

(b) The technical aspects of coordination are based on Appendix 28 of the International telecommunications Union Radio Regulations and certain recommendations of the ITU Radiocommunication Sector ("ITU-R") which may be obtained through the International Telecommunication Union, General Secretariat—Sales Section, Places des Nations, CH-1211 Geneva 20, Switzerland or by phone 011-41-22-730-6141 or fax 011-41-22-730-5194. Applicants and operators will find it helpful to be aware of the latest revisions of these documents.

**§§ 25.252 through 25.256 [Removed and reserved]**

23. Sections 25.252 through 25.256 are removed and reserved.

24. Section 25.272 is amended by revising the first sentence of paragraph (b) to read as follows:

**§ 25.272 General inter-system coordination procedures.**

\* \* \* \* \*

(b) Each space station licensee shall maintain on file with the Commission and with its Columbia Operations Center in Columbia, Maryland a current listing of the names, titles, addresses and telephone numbers of the points of contact for resolution of interference problems. \* \* \*

\* \* \* \* \*

25. Section 25.274 is amended by revising the first sentence of paragraph (f) to read as follows:

**§ 25.274 Procedures to be followed in the event of harmful interference.**

\* \* \* \* \*

(f) At any point, the system control center operator may contact the Commission's Columbia Operations Center in Columbia, Maryland to assist in resolving the matter. \* \* \*

\* \* \* \* \*

26. Section 25.277 is amended by revising paragraph (c) introductory text to read as follows:

**§ 25.277 Temporary fixed earth station operations.**

\* \* \* \* \*



(c) The licensee of an earth station which is authorized to conduct temporary fixed operations in bands shared co-equally with terrestrial fixed stations shall provide the following information to the Director of the Columbia Operations Center at P.O. Box 250, Columbia, Maryland 21045 (phone number 301-725-3474 and fax number 301-206-2896) and to the licensees of all terrestrial facilities lying within the coordination contour of the proposed temporary fixed earth station site before beginning transmissions:

\* \* \* \* \*

27. A new § 25.280 is added to read as follows:

**§ 25.280 Inclined orbit operations.**

Satellite operators may commence operation in incline orbit mode without obtaining prior Commission authorization provided that the Commission is notified by letter within 30 days after commencement. The notification shall include:

- (a) The date of commencement of included orbit operation;
- (b) The initial inclination;
- (3) The rate of change in inclination per year; and
- (4) The expected end-of-life of the satellite accounting for inclined orbit operation.

28. Section 25.308 is redesignated as § 25.281.

29. Subpart E is removed and reserved.

[FR Doc. 95-22168 Filed 9-5-95; 8:45 am]  
BILLING CODE 6712-01-M

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**DEPARTMENT OF DEFENSE**

**48 CFR Part 52**

**Federal Acquisition Regulation; Use and Charges Clause Class Deviation**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice of proposed class deviation.

**SUMMARY:** The Department of Defense (DoD) is proposing a class deviation from the Federal Acquisition Regulation (FAR) that simplifies the method of determining rental charges for government property. The proposed class deviation will allow defense contractors to propose rental charges for the commercial use of government property and real property while revisions to the FAR are being drafted.

**DATES:** Comments on the proposed class deviation should be submitted in writing at the address shown below on or before November 6, 1995 to be

considered in the formulation of the final class deviation.

**ADDRESSES:** Interested parties should submit written comments to: Ms. Angelena Moy, MPI, Room 3E144, Pentagon, Washington, DC 20301-3000. FAX (703) 695-7596.

**FOR FURTHER INFORMATION CONTACT:** Ms. Angelena Moy, telephone (703) 695-1099.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

On September 16, 1994 (59 FR 47583) the Director of Defense Procurement announced an initiative to rewrite FAR Part 45, Government Property, to make it easier to understand and to minimize the burdens imposed on contractors and the Government. The Director of Defense Procurement is providing a forum for an exchange of ideas and information with government and industry personnel by holding public meetings, soliciting public comments, and publishing notices of public meetings in the **Federal Register**. Interested parties were invited to provide written suggestions or comments in the notice of public hearing dated September 16, 1994 (59 FR 47583). Twenty-two commentors provided approximately 500 comments, including a recommendation that simplifying the procedures for computing rental charges for government property would reduce administrative burdens and provide cost savings.

In order to expedite implementation of simplified government property rental procedures, DoD is proposing a class deviation from current FAR methods of determining rental charges for commercial use of government property. The proposed class deviation was included in discussions during the public hearings that have been held on the rewrite of FAR Part 45. DoD proposes to deviate from the clause at FAR 52.245-9 as follows:

**Part 52—Solicitation Provisions and Contract Clauses**

**52.245-9 Use and Charges**

- Deviation authorizes DoD to use the following clause in lieu of the clause at 52.245-9. This clause requires contractors, for real property and associated fixtures, to obtain certified property appraisals that compute a monthly, daily, or hourly rental rate for comparable commercial property. Rental charges would be determined by multiplying the rental time by an appraisal rental rate expressed as a rate per hour. For other government property, rental charges will be the

smaller of two percent of the property's acquisition cost multiplied by the ratio of rental time to time available for use, or by the method described for real property and associated fixtures.

**Use and Charges (APR 1984) (Deviation)**

(a) *Deviations.*

As used in this clause—

*Acquisition cost* means the acquisition cost recorded in the contractor's property control system or, in the absence of such record, the value attributed by the Government to a government property item for purposes of determining a reasonable rental charge.

*Government property* means property owned, licensed, or leased by the Government.

*Real property* means land and rights in land, ground improvements, utility distribution systems, and buildings and other structures. It does not include foundations and other work necessary for installing special tooling, special test equipment, or equipment.

*Rental period* means the calendar period during which government property is made available for commercial purposes.

*Rental time* means the number of hours, to the nearest whole hour, rented property is actually used for commercial purposes. It includes time to set up the property for such purposes, perform required maintenance, and restore the property to its condition prior to rental.

*Time available for use* means the number of hours, to the nearest whole hour, in the rental period.

(b) *General.* (1) Rental requests must be submitted to the administrative Contracting Officer, identify the property desired, propose a rental period, and calculate an estimated rental charge.

(2) The Contractor shall not use government property for commercial purposes until a rental charge for real property, or estimated rental charge for other property, is agreed upon. Rented property may be used only on a non-interference basis.

(3) Notwithstanding any other provision of this contract, the Contractor is responsible for any loss, theft, or destruction of, or damage to, government property during its use for commercial purposes.

(c) *Estimated rental charge.* The estimated rental charge submitted with the Contractor's rental request shall be computed by substituting the Contractor's best estimate of the time the property might be used for commercial purposes for rental time in the formulae described in paragraph (d) of this clause.

(d) *Final rental charge*—(1) *Real property and associated fixtures*—(i) The Contractor shall obtain, at its expense, a property appraisal from an independent licensed or certified appraiser that computes a monthly, daily, or hourly rental rate for comparable commercial property no more than one year prior to the date the property is desired for commercial use and submit the appraisal to the administrative Contracting Officer at least 30 days prior to that date. Except as provided in paragraph (d)(1)(iv) of this clause, the administrative Contracting Officer shall use