

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 400 feet upstream of Zion Road .....	*806
<b>Maps available for inspection</b> at the Regional Planning Office, Fairfield County Courthouse, 210 East Main Street, Lancaster, Ohio.	
<b>Kenton (city), Hardin County (FEMA Docket No. 7149)</b>	
<i>Scioto River:</i>	
At County Road 175 .....	*959
At a point approximately 0.56 mile upstream of Leighton Street .....	*966
<b>Maps available for inspection</b> at the Kenton City Hall, 111 West Franklin Street, Kenton, Ohio.	
<b>PENNSYLVANIA</b>	
<b>German (township), Fayette County (FEMA Docket No. 7149)</b>	
<i>Monongahela River:</i>	
At confluence of Antram Run ..	*789
At upstream corporate limits ...	*798
<b>Maps available for inspection</b> at the German Township Building, R.D. #1, Box 287, McClellandtown, Pennsylvania.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")  
 Dated: February 9, 1996.  
 Richard W. Krimm,  
*Acting Associate Director for Mitigation.*  
 [FR Doc. 96-3850 Filed 2-20-96; 8:45 am]  
 BILLING CODE 6718-04-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 90**

[PR Docket No. 91-72; FCC 96-11]

**Emergency Medical Radio Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final Rule.

**SUMMARY:** The Commission has reaffirmed its decision to establish the Emergency Medical Radio Service (EMRS), as well as reaffirmed the assignment of certain 453 MHz frequencies to the EMRS. Additionally, the Commission granted ProNet, Inc.'s request that its medical paging system operating on 453.125 MHz in the Chicago metropolitan area be

permanently grandfathered. Finally, the Commission permitted certain licensees (medical services, rescue organizations, disaster relief organizations and beach patrols) to use Channels 161-170 as they are engaged in safety-of-life services. These actions were taken to improve the communications capabilities of entities engaged in providing life support activities. The rule changes and the grant of the waiver request will ensure the reliability of emergency medical communications.  
**EFFECTIVE DATE:** March 22, 1996.

**FOR FURTHER INFORMATION CONTACT:** Freda Lippert Thyden, Wireless Telecommunications Bureau, (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order*, PR Docket No. 91-72, FCC 96-11, adopted January 18, 1996, and released February 8, 1996. The full text of this *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 230, 1919 M Street N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, telephone (202) 857-3800.

This *Memorandum Opinion and Order* imposes no paperwork burden on the public.

*Summary of Memorandum Opinion and Order*

1. In this *Memorandum Opinion and Order*, we affirm the action taken in the *Report and Order* (58 Fed. Reg 12177 (March 3, 1993)), establishing the Emergency Medical Radio Service (EMRS) as a new Public Safety Radio Service under Subpart B of Part 90 of the Commission's Rules. The record substantiates the need for this new radio service to ensure the reliability of emergency medical communications. We also affirm the reassignment of four 453 MHz frequencies (453.025/.075/.125/.175 MHz) from the Special Emergency Radio Service (SERS) to the EMRS. These frequencies, previously assigned for one-way paging operations, were chosen as particularly appropriate for EMRS use because they minimize disruption to the remaining non-EMRS SERS entities.

2. ProNet, Inc. (ProNet), a petitioner for reconsideration of the *Report and Order*, mistakenly believes that it should be accorded a hearing pursuant to Section 316 of the Communications Act of 1934, as amended, before its

radio license is modified. Under this statutory provision, a license is not considered modified when the Commission—acting by rule making—affects the rights of all licensees of a particular class.

3. ProNet has substantiated its request for permanently waiving mandatory reassignment of 453.125 MHz in the greater metropolitan Chicago area to EMRS. It commissioned a study of spectrum usage in the Chicago area as well as submitted relevant affidavits. Although only required to meet one criterion, ProNet met all the established criteria to justify grant of the waiver request. First, it appears that ProNet's system is intensely utilized. Second, relocation of ProNet's medical paging system would not serve the public interest because no reasonable alternative for its paging system is available in the Chicago area. Third, petitioner illustrates the continued availability of MED channel capacity in metropolitan Chicago and, therefore, there appears to be adequate spectrum for emergency medical service transmissions in the Chicago area. ProNet has successfully demonstrated that unique circumstances are involved in its case, thus warranting waiver.

4. ProNet's request for authority to be licensed to operate transmitting facilities on 453.125 MHz anywhere in Wisconsin, Illinois and Indiana—within a one hundred mile radius of its existing site—is denied. This request involves future operations and was not contemplated by the waiver provisions contained in the *Report and Order*.

5. Finally, the Commission will permit licensees eligible to operate radio facilities as medical services (47 CFR § 90.35), rescue organizations (47 CFR § 90.37), disaster relief organizations (47 CFR § 90.41) and beach patrols (47 CFR § 90.45) to use narrowband Channels 161-170 to enable them—while conducting safety-of-life communications—to communicate with one another. These four service categories need frequencies for Mutual Aid purposes. Permitting those licensed in these categories to use Channels 161-170 in the 220-222 MHz band will serve the public interest by enhancing interoperability between many types of emergency providers in safety-of-life situations.

List of Subjects in 47 CFR Part 90

Emergency medical services, Radio.

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

**Rule Changes**

Part 90 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

**PART 90—[AMENDED]**

Part 90 Private land mobile radio services:

1. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

2. Section 90.17 is amended by revising paragraph (c)(11) to read as follows:

**§ 90.17 Local Government Radio Service.**  
\* \* \* \* \*

(c) \* \* \*

(11) This frequency is available for systems first licensed prior to March 31, 1980, for radio call box communications related to safety on highways in accordance with the provisions of § 90.241(c). No new systems will be authorized of this nature, but systems authorized prior to March 31, 1980 may be modified, expanded, and renewed. Also, effective April 2, 1993, this frequency is shared with EMRS systems in accordance with § 90.27.

\* \* \* \* \*

3. Section 90.19 is amended by revising paragraph (e)(17) to read as follows:

**§ 90.19 Police Radio Service.**  
\* \* \* \* \*

(e) \* \* \*

(17) This frequency is shared with the Fire and Emergency Medical Radio Services.

\* \* \* \* \*

4. Section 90.21 is amended by revising paragraph (c)(8) to read as follows:

**§ 90.21 Fire Radio Service.**  
\* \* \* \* \*

(c) \* \* \*

(8) This frequency is shared with the Police and Emergency Medical Radio Services.

\* \* \* \* \*

5. Section 90.27 is amended by revising the second sentence of paragraph (a), and by adding the words "or mobile" to the Class of station(s) for Frequencies 453.025, 453.075, 453.125 and 453.175 MHz in paragraph (b), to read as follows:

**§ 90.27 Emergency Medical Radio Service.**

(a) \* \* \* Applications submitted by persons or organizations (governmental or otherwise) other than the governmental body having jurisdiction over the state's emergency medical service plans must be accompanied by a statement prepared by the governmental body having jurisdiction over the state's emergency medical services plan indicating that the applicant is included in the state's emergency plan or otherwise supporting the application.

\* \* \* \* \*

6. Section 90.238 is amended by revising paragraph (h) to read as follows:

**§ 90.238 Telemetry operations.**  
\* \* \* \* \*

(h) 458–468 MHz band (as available in the Emergency Medical Radio Service for bio-medical telemetry operations).

\* \* \* \* \*

7. Section 90.243 is amended by revising paragraphs (a)(1), (a)(2), and (b)(1) to read as follows:

**§ 90.243 Mobile relay stations.**

(a) \* \* \*

(1) On frequencies below 450 MHz, except for the 220–222 MHz band, mobile relay stations may be authorized within the contiguous 48 states to operate only in the Police, Fire, Local Government, Highway Maintenance, Forestry-Conservation, Emergency Medical, Power, Petroleum, Forest Products, Manufacturers, Telephone Maintenance, and Railroad Radio Services.

(2) On frequencies below 450 MHz, except for the 220–222 MHz band, mobile relay stations may be authorized outside the contiguous 48 states to operate only in the Police, Fire, Local Government, Highway Maintenance, Forestry-Conservation, Emergency Medical, Power, Petroleum, Forest Products, Manufacturers, Telephone Maintenance, Railroad, Business, and Special Industrial Radio Services.

\* \* \* \* \*

(b) \* \* \*

(1) In the Emergency Medical and Special Emergency Radio Services, medical services systems in the 150–160 MHz band are permitted to be cross banded for mobile and control station operations with mobile relay stations authorized to operate in the 450–470 MHz band.

\* \* \* \* \*

8. Section 90.273 is amended by revising the first sentence of paragraph (b) to read as follows:

**§ 90.273 Availability and use of frequencies in the 421–430 MHz band.**  
\* \* \* \* \*

(b) Channels in the public safety pool are available for assignment to eligibles in the Public Safety and Special Emergency Radio Services. \* \* \*

\* \* \* \* \*

9. Section 90.421 is amended by redesignating paragraph (k) as paragraph (l) and adding new paragraph (k) to read as follows:

**§ 90.421 Operation of mobile units in vehicles not under the control of the licensee.**  
\* \* \* \* \*

(k) Mobile units licensed in the Emergency Medical Radio Service may be installed in a vehicle or be hand-carried for use by any person with whom cooperation or coordination is required for medical services activities.

\* \* \* \* \*

10. Section 90.477 is amended by revising the first sentence of paragraph (d)(3) to read as follows:

**§ 90.477 Interconnected systems.**  
\* \* \* \* \*

(d) \* \* \*

(3) In the Special Emergency, Business, Special Industrial, Automobile, and Taxicab Radio Services, interconnection will be permitted only where the base station site or sites of proposed stations are located 120 km (75 mi) or more from the designated centers of the urbanized areas listed below. \* \* \*

\* \* \* \* \*

11. Section 90.483 is amended by revising the third sentence of paragraph (d) to read as follows:

**§ 90.483 Permissible methods and requirements of interconnecting private and public systems of communications.**  
\* \* \* \* \*

(d) \* \* \* This provision does not apply to systems licensed in the Police, Fire, Local Government, Emergency Medical, Special Emergency, Power, Petroleum and Railroad Radio Services, or above 800 MHz. \* \* \*

12. Section 90.617 is amended by revising the first sentence of paragraph (a) to read as follows:

**§ 90.617 Frequencies in the 809.750–824/854.750–869 MHz and 896–901/935–940 MHz bands available for trunked or conventional system use in non-border areas.**

(a) The channels listed in Table 1 and paragraph (a)(1) of this section for the Public Safety Category are available to applicants eligible in the Public Safety and Special Emergency Radio Services. \* \* \*

\* \* \* \* \*

13. Section 90.619 is amended by revising the first sentence of paragraph (a)(1) and the first sentence of paragraph (b)(7)(iii) to read as follows:

**§ 90.619 Frequencies available for use in the U.S./Mexico and U.S./Canada border areas.**

(a) \* \* \*

(1) Table 1A lists the channels in the 806–821/851–866 MHz band Public Safety Category that are available for assignment to applicants eligible in the Public Safety and Special Emergency Radio Services. \* \* \*

\* \* \* \* \*

(b) \* \* \*

(7) \* \* \*

(iii) The Public Safety Category consists of the Public Safety and the Special Emergency Radio Services. \* \* \*

14. Section 90.631 is amended by revising the second sentence of paragraph (g) to read as follows:

**§ 90.631 Trunked system loading, construction, and authorization requirements.**

\* \* \* \* \*

(g) \* \* \* Remote or satellite stations of wide area systems in the Public Safety, Special Emergency, Telephone Maintenance, and Power Radio Services may be authorized on a primary basis if such stations are the first to be authorized in their area of operation on the frequency or group of frequencies. \* \* \*

\* \* \* \* \*

15. Section 90.720 is revised to read as follows:

**§ 90.720 Channels available for public safety/mutual aid.**

(a) Part 90 licensees whose licenses reflect a two-letter radio service code beginning with the letter "P" are authorized by this rule to use mobile and/or portable units on Channels 161–170 throughout the United States, its territories, and possessions to transmit:

(1) Communications relating to the immediate safety of life; or

(2) Communications to facilitate interoperability among public safety entities, and public safety entities and Special Emergency Radio Service eligibles in §§ 90.35, 90.37, 90.41 and 90.45.

(b) Any entity eligible to obtain a license under subpart B of this part or eligible to obtain a license under §§ 90.35, 90.37, 90.41 and 90.45 of subpart C of this part is also eligible to obtain a license for base/mobile operations on Channels 161–170. Base/mobile or base/portable communications on these channels that

do not relate to the immediate safety of life or to communications interoperability among public safety entities, and public safety and the above specified special emergency entities may only be conducted on a secondary non-interference basis to such communications.

[FR Doc. 96–3821 Filed 2–20–96; 8:45 am]

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Part 1825**

**Acquisition of Japanese Products and Services**

**AGENCY:** Office of Procurement, National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This rule changes requirements for acquisition by NASA when Japanese products or services are offered. In negotiations with Japan, the U.S. Trade Representative has removed NASA from the list of agencies required to acquire Japanese products and services on a non-discriminatory basis. This was in response to the inability to reach agreement with Japanese negotiators on including the Japanese space agency under a trade agreement.

**EFFECTIVE DATE:** February 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. Harold Jefferson, (202) 358–0409.

**SUPPLEMENTARY INFORMATION:**

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Part 1825

Government procurement.

Tom Luedtke,  
*Deputy Associate Administrator for Procurement.*

Accordingly, 48 CFR part 1825 is amended as follows.

**PART 1825—[FOREIGN ACQUISITION]**

1. The authority citation for 48 CFR part 1825 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

2. Section 1825.401 is added to read as follows:

**1825.401 Definitions.**

For acquisition by NASA, the definition of "designated country" in FAR 25.401 excludes "Japan." NASA is not obligated to provide non-discriminatory treatment to Japanese products or services under the World Trade Organizations Government Procurement Agreement (GPA) effective January 1, 1996.

[FR Doc. 96–3812 Filed 2–20–96; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 681**

[Docket No. 960212026–6026–01; I.D. 020296A]

RIN 0648–XX44

**Western Pacific Crustacean Fisheries; 1996 Initial Quota**

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

**ACTION:** Initial quota for crustaceans for 1996.

**SUMMARY:** NMFS announces a 1996 initial quota of 143,863 lobsters for the Northwestern Hawaiian Islands (NWHI) crustacean fishery. The quota was calculated according to the formula in Amendment 7 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (FMP). The final quota for the 1996 fishing year, which begins July 1, 1996, will be announced after the first month of fishing.

**EFFECTIVE DATE:** Effective July 1, 1996.

**ADDRESSES:** Copies of Amendment 7 and the associated background material for determining the quota may be obtained from Ms. Kitty Simonds, Executive Director, Western Pacific Fishery Management Council (Council), 1164 Bishop Street, Suite 1405, Honolulu, HI 96813.

**FOR FURTHER INFORMATION CONTACT:** Mr. Svein Fougner, 310–980–4034; Mr. Alvin Z. Katekaru, 808–973–2985; or Ms. Kitty Simonds, 808–522–8220.

**SUPPLEMENTARY INFORMATION:** The crustacean fisheries of NWHI are managed by the Secretary of Commerce (Secretary) according to the FMP, which was prepared by the Council under the authority of the Magnuson Fishery Conservation and Management Act. Regulations affecting the U.S. fishery are at 50 CFR part 681.