

Inc., at (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

#### Synopsis of Order and Notice of Proposed Rule Making

The Commission responds to two pleadings, a Petition for Reconsideration and Clarification, and a Motion for Extension of Time, filed by twenty organizations (including the Minority Media and Telecommunications Council), concerning the Commission's *Order and Notice of Proposed Rule Making*, 11 FCC Rcd 5154 (1996), MM Docket No. 96-16, 61 FR 9964 (March 12, 1996). In the Petition for Reconsideration and Clarification, among other things, Petitioners argue that, because the *NPRM* has the effect of rejecting proposals previously submitted to the Commission, the *NPRM* is a final action against which petitions for reconsideration may be filed pursuant to Section 1.429 of the Commission's Rules. They also argue that the Commission should amend the *NPRM* to include various proposals set forth in the Petition, as well as revise language in the *NPRM* to clarify that it is soliciting comment in support of increased, as well as reduced, EEO requirements. In the Motion for Extension of Time, Petitioners request that the Commission extend the date for submission of comments in response to the *NPRM* to two months following the issuance of an order reconsidering and/or clarifying the *NPRM*. They contend that without such an order they would be unable to develop thorough and meaningful comments to the *NPRM*. In addition, Petitioners assert that their present resources are severely limited by, among other things, their involvement in proceedings concerning the Telecommunications Act of 1996.

2. The Commission rejects Petitioners' argument that the *NPRM* is a final action, finding that the *NPRM* did not implement any rule or reject any proposals presently pending before the Commission, and, accordingly, dismisses the Petition for Reconsideration. See 47 CFR 1.429. The Commission grants the Petition for Clarification in part and otherwise denies it. The Commission states that "[t]he proposals in the *NPRM* sought to further the objectives of our EEO Rule and policies while minimizing undue regulatory burdens on broadcasters. We encourage Petitioners to submit with their comments any alternatives to the proposals that further these goals." Finally, the Commission finds that the public interest favors grant of the motion for extension of time, and, therefore, the Commission extends the comment and reply comment dates to

July 1, 1996, and July 31, 1996, respectively.

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

[FR Doc. 96-12588 Filed 5-17-96; 8:45 am]  
BILLING CODE 6712-01-P

#### 47 CFR Part 64

[CC Docket No. 96-112; FCC 96-214]

#### Allocation of Costs Associated With Local Exchange Carrier Provision of Video Programming Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In the *NPRM*, the Commission would define the goals of our cost allocation rules and of the 1996 Act. Guided by these goals, the *NPRM* would seek specific comment on allocating certain categories of incumbent local exchange carriers' plant between regulated Title II and nonregulated (non-Title II) activities. Particular attention would be directed to the allocation of loop facilities, all of which have been allocated to regulated activities in the past. The intended effect of this action is to revise the Commission's rules regarding cost allocation to accommodate the provision of nonregulated and non-Title II services that share outside plant facilities with regulated services.

**DATES:** Comments must be submitted on or before May 28, 1996. Reply comments are due on or before June 7, 1996.

**ADDRESSES:** Federal Communications Commission, 1919 M St., N. W., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Andrew Multz, Attorney/Advisor Accounting and Audits, Common Carrier Bureau, (202) 418-0850.

#### SUPPLEMENTARY INFORMATION:

1. This is a summary of the Commission's Notice of Proposed Rulemaking adopted May 10, 1996, and released May 10, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M St., N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., 202 857-3800, 1990 M Street, N.W., Suite 246, Washington, D.C. 20554.

#### Regulatory Flexibility Analysis

2. We have determined that Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b) does not apply to this rulemaking proceeding because if promulgated, it would not have a significant economic impact on a substantial number of small entities. The definition of a "small entity" in Section 3 of the Small Business Act excludes any business that is dominant in its field of operation. Although some of the local exchange carriers that will be affected are very small, local exchange companies do not qualify as small entities because they have a nationwide monopoly on ubiquitous access to the subscribers in their service area. The Commission has found all exchange carriers to be dominant in the *Competitive Carrier* proceeding. 85 FCC 2d 1, 23-24 (1980). To the extent that small telephone companies will be affected by these rules, we hereby certify that these rules will not have a significant economic effect on a substantial number of "small entities." Although we do not find that the Regulatory Flexibility Act is applicable to this proceeding, this Commission has an ongoing concern with the effect of its rules and regulations on small business and the customers of the regulated carriers as is evidenced by this proceeding.

#### Ordering Clause

Accordingly, IT IS ORDERED that, pursuant to Sections 302 and 703 of the 1996 Act, and sections 1, 4(i), 4(j), 201, 215, 218 and 220 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201, 215, 218, 220), a Notice of Proposed Rulemaking is hereby ADOPTED.

It is further ordered that the Secretary shall send a copy of this Notice of Proposed Rulemaking, including the Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with paragraph 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (1981).

#### List of Subjects in 47 CFR Part 64

Communications common carriers, Telephone.

Federal Communications Commission.

William F. Caton,

*Acting Secretary*.

[FR Doc. 96-12586 Filed 5-17-96; 8:45 am]

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**47 CFR Part 90**

[WT Docket No. 96-86, FCC 96-155]

**Public Safety Radio Requirements Through the Year 2010****AGENCY:** Federal Communications Commission.**ACTION:** Proposed Rule.

**SUMMARY:** The Commission has adopted a Notice of Proposed Rule Making to address the present deficiencies in public safety wireless communications as well as its expanding spectrum needs. These proposed amendments will solicit comments on how to meet public safety needs, and to facilitate a transition to a communications environment in which public safety agencies have access to higher quality transmission, emerging technologies, and broader services. The Notice also furthers the Commission's efforts to implement Section 6002 of the Omnibus Budget Reconciliation Act of 1993, which requires the Commission to study public safety spectrum needs and to develop a plan that ensures that adequate frequencies are available for public safety uses through the year 2010.

**DATES:** Comments are due September 20, 1996; reply comments are due October 18, 1996.

**FOR FURTHER INFORMATION CONTACT:** Robert McNamara the Wireless Telecommunications Bureau at (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, adopted April 5, 1996, and released April 10, 1996. The full text of this action is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

**Summary of Report and Order**

1. In this action, the Commission initiates an overall evaluation and assessment of public safety wireless communications, which builds upon our findings and conclusions presented in the 1995 FCC Public Safety Report. We believe that the critical responsibilities of public safety agencies, such as protection of life and property, can be performed more effectively by increasing the flexibility and opportunities that wireless communications can offer. The goal of this proceeding is to develop the data

necessary to evaluate the spectrum needs of public safety agencies, to solicit comment on how best to meet these needs, and to facilitate a transition to a communications environment in which public safety agencies have access to higher quality transmission, emerging technologies, and broader services, including the ability to communicate readily with one another (interoperability). We recognize that such an environment can be achieved through a variety of regulatory approaches, such as requiring more efficient use of current public safety spectrum, reallocating additional spectrum for public safety uses, and facilitating the use of commercial service providers for increased communications capacity. We believe, however, that no one approach will satisfy all public safety communications spectrum needs. We further believe that the optimal approach should allow each of these individual approaches to be strategically combined in a way that meets the specific needs of individual public safety entities.

2. The Notice of Proposed Rule Making emphasizes two primary issues. The first issue is the critical nature of public safety responsibilities to the Nation's well being and the role of modern wireless communications in ensuring that these duties are fulfilled effectively. The second issue is that the fragmented nature of present public safety wireless communications has a detrimental impact on present and future capabilities. We believe that bringing about improved quality and tangible access to expanded services is dependent largely on public safety operating in a wider and more consistent environment. This proceeding seeks to broaden the opportunity for public safety agencies to obtain access to the benefits that accrue from the increased competition and innovation that has emerged in telecommunications generally while maintaining the independence, reliability, universal service and security that are integral to public safety. We believe that a regulatory structure can emerge that is more efficient, commits more discretion to users, and facilitates access to a much broader range of services.

3. Authority for issuance of this Notice of Proposed Rule Making is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r).

**Final Regulatory Flexibility Analysis**

4. 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 of the Notice of Proposed Rule Making. 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 of Proposed Rule Making, but they must have a separate and distinct heading designating them as responses to the IRFA. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the IRFA, 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. 601-612.

**List of Subjects in 47 CFR Part 90**

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 96-12587 Filed 5-17-96; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 655**

[I.D. 050296B]

**Mid-Atlantic Fishery Management Council; Public Hearings**

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

**ACTION:** Public hearings; request for comments.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) will hold five public hearings to allow for input on the resubmitted portion of Amendment 5 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fishery.

**DATES:** Written comments will be accepted through June 7, 1996. The hearings will be held during the months of May and June. See **SUPPLEMENTARY INFORMATION** for the time and dates of the hearings.

**ADDRESSES:** Send comments to David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New