

Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of South Carolina may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

State of South Carolina Department of Health and Environmental Control, Environmental Quality Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 ext.4215.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: January 12, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95-4630 Filed 2-23-95; 8:45 am]

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40 CFR Parts 52 and 81

[FL54-1-6026b; FRL-5148-9]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State implementation plan (SIP) revision submitted by the State of Florida for the purpose of redesignating the Southeast Florida ozone nonattainment area to attainment. In the final 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 the approval is set forth in the direct

final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed 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 If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.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 document should do so at this time.

DATES: To be considered, comments must be received by March 27, 1995.

ADDRESSES: Written comments should be addressed to: Joey LeVasseur, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of Florida may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

Air Resources Management Division, Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

FOR FURTHER INFORMATION CONTACT: Joey LeVasseur, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 ext.4215. Reference file FL54-1-6026.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: January 24, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95-4538 Filed 2-23-95; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-17; FCC 95-35]

Protection of Radio Astronomy Operation on TV Channel 37

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend its broadcast station rules to protect radio astronomy activity on TV Channel 37. This action is necessary to ensure the most efficacious use of extremely sensitive, state-of-the-art radio astronomy equipment. The intended effect is to maximally enhance radio astronomy observations without imposing a significant burden on television broadcasters.

DATES: Comments must be filed by March 31, 1995. Reply comments must be filed by April 21, 1995.

ADDRESSES: Federal Communication Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: James E. McNally, Jr. or Gordon W. Godfrey, Mass Media Bureau, Engineering Policy Branch, (202) 418-2190

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making in MM Docket No. 95-17 adopted January 27, 1995, and released on February 21, 1995. The complete text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street NW., Washington, DC, and may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street NW., Suite 140, Washington, D.C. 20037.

Synopsis of Notice of Proposed Rulemaking

Introduction

1. The Commission proposes a number of actions designed to protect radio astronomy operations on Channel 37 of the UHF television broadcasting band. Specifically, it proposes to amend Parts 73 and 74 of our rules to include the geographical coordinates of thirteen radio astronomy sites where TV Channel 37 frequencies (608-614 megahertz) are used for radio astronomy observations. The sites are at the following locations:

Location	N. latitude	W. longitude
Kitt Peak, AZ Owens Valley, CA.	31°57'23" 37°13'54"	111°36'45" 118°16'34"
Mauna Kea, HI.	19°48'16"	155°27'29"
North Liberty, IA.	41°46'17"	91°34'27"
Hancock, NH Los Alamos, NM.	42°56'01" 35°46'31"	71°59'12" 106°14'44"
Pie Town, NM.	34°18'04"	108°07'09"
Socorro, NM Arecibo, PR .	34°03'43" 18°20'46"	107°37'04" 66°45'11"
Fort Davis, TX.	30°38'06"	103°56'41"
Saint Croix, VI.	17°45'31"	64°35'03"
Brewster, WA.	48°07'52"	119°41'00"
Green Bank, WV.	38°25'59"	79°25'59"

The Commission also proposes a means by which such sites may be protected from interference by television stations operating on Channels 36 and 38. Further proposed is that the one currently authorized TV station which does not provide the proposed protection would be allowed to continue operating with its authorized facilities, but would not be allowed to increase its field strength in the direction of the affected radio astronomy site. Finally, the Commission proposes to delete one vacant TV allotment that is located near one of the radio astronomy sites.

Background

2. The Commission has reserved TV Channel 37 exclusively for radio astronomy service. Footnote US74 in Section 2.106 of the Commission's Rules states in part that "the radio astronomy service shall be protected from extraband radiation only to the extent that such radiation exceeds the levels which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates." Thus, a radio astronomy site is afforded any limited and uncertain protection by the rules. The Commission's rules do not identify the locations of radio astronomy operations using Channel 37, which prevents TV station applicants from considering these operations as they design their proposed TV facilities. As a result, the Commission could properly but inadvertently authorize TV facilities at locations closer to radio astronomy observation sites than may be desirable.

3. To prevent such actions in the future, the National Academy of Sciences' Committee on Radio

Frequencies (CORF) petitioned the Commission to amend the rules to include the locations of thirteen radio astronomy sites that currently or will make use of Channel 37, to adopt an 87.7 kilometer (54.5 mile) separation requirement applicable to adjacent channel television stations and to delete Channel 38 at Hilo, Hawaii, from the TV Table of Allotments.

Discussion

4. The Commission believes that CORF's proposal merits consideration and wishes to examine whether some additional protection can be afforded to radio astronomy sites without significant adverse impact on broadcast services. The Commission recognizes that the sensitivity of radio astronomy equipment today is undoubtedly much greater than it was in 1963. Also, the identified radio astronomy locations are mostly in rural areas. Comment is sought on whether TV spectrum is scarce in any of these areas, either for the existing TV service or considering the new advanced TV service that the Commission is proposing in MM Docket No. 87-268.

5. The Commission also requests comments on an alternative approach which is functionally equivalent to the one advocated by CORF but which is more flexible than a fixed distance separation requirement and thus less burdensome to broadcasters. The Commission proposes to set a limit on the field strength that a TV station on Channel 36 or 38 could produce at the coordinates of radio astronomy sites designated by CORF. Basing the proposed protection on field strength will permit stations to be located closer to the radio astronomy sites than the fixed distance separation would allow, if the signal radiated toward the radio astronomy site is suppressed by an appropriate amount.

6. A maximum facility UHF-TV station would deliver a field strength of approximately 72 dBu at 87.7 kilometers. However, the Commission believes that CORF may not have intended to imply that a 72 dBu field strength restriction would provide adequate protection. A lower field strength value is more consistent with the power and antenna height at which UHF-TV stations typically operate. Rather than using maximum allowable facilities, a more typical UHF station has an effective radiated power (ERP) between 1 and 5 MW and an antenna height above average terrain (HAAT) in the vicinity of 350 meters (1150 feet). These facilities produce a field strength of 57 to 64 dBu at 87.7 kilometers (km). Thus, the Commission proposes to use

64 dBu as the limit on the field strength that a Channel 36 or 38 TV station is permitted to produce at a radio astronomy site.

7. The Commission proposes to apply the same field strength limit to low power TV stations, TV translators and TV boosters. Since such stations operate with significantly smaller facilities than full service UHF-TV stations, the proposed approach would permit them much greater flexibility in terms of location, while providing the radio astronomy sites a level of protection equal to that provided by the more powerful full service stations. Compliance with the field strength restriction would be determined using the standard prediction methods and the Commission's F(50, 50) propagation curves. Comments should address whether 72 dBu, 64 dBu or some other field strength value provides adequate protection for the Channel 37 radio astronomy operations and whether these values impose a significant burden on TV use of these two channels. Parties that favor a fixed separation distance as proposed by CORF should identify the distance they believe is correct and support their choice.

8. A review of Commission records indicates that only one full service TV station currently operates with facilities that produce a predicted field strength in excess of 64 dBu at any of the identified radio astronomy sites. WJWN-TV, Channel 38, San Sebastian, PR, is licensed at an ERP of 85.1 kW and HAAT of 332 meters (m). At 90 degrees True, which is toward the Arecibo radio astronomy site, the WJWN-TV facilities are 85.1 kW at 232 m. With the distance between sites of 45.1 km, the predicted field strength at the radio astronomy facility is 67 dBu. While no other station currently authorized on Channels 36 or 38 would exceed the proposed field strength of 64 dBu, there are three other full service stations that would be precluded from increasing to the maximum normally permitted facilities by adoption of the proposed protection standard. They are KQCT (TV) on Channel 36 in Davenport, Iowa, WSBK-TV on Channel 38 in Boston, Massachusetts and WDWL (TV) on Channel 36 in Bayamon, Puerto Rico.

9. In light of the preceding discussion, the Commission believes that a general grandfathering provision, covering any existing or proposed facilities, is unnecessary. The WJWN-TV situation discussed above would be considered as a waiver of the proposed rule. WJWN-TV would not be permitted to modify its facilities in such a way as to increase its predicted field strength at the Arecibo radio astronomy site. All other existing

and future stations would be required to comply with the proposed 64 dBu limit when planning future facilities.

10. Comment also is requested on whether applicants for new facilities (or those proposing to modify existing facilities) on Channel 36 or Channel 38 that would be within 87.7 kilometers (55 miles) of a listed radio astronomy site should be required to notify CORF (or some other appropriate radio astronomy representative) concerning their proposed facilities. The proposed rules, coupled with the Commission's application processing procedures, are probably sufficient to ensure protection to radio astronomy facilities. However, comment is sought on whether notification procedures similar to those contained in Section 73.1030 would serve any useful purpose. Moreover, if such notification is considered expedient, comment is sought on the most appropriate entity to notify. While the proposed rules do not contain a notification requirement, the Commission may adopt such a requirement if the comments indicate that a significant benefit may be afforded by such notification.

11. Finally, with respect to the allotment aspects of CORF's petition, the Commission proposes to delete the Channel 38 allotment currently specified for Hilo, Hawaii. This proposal appears to have only a very minimal impact on the TV broadcast service because both channels 20 and 26 would remain available as vacant non-reserved channel allotments in Hilo. Further, the Commission proposes to require that petitions for rulemaking proposing Channel 36 or 38 allotments which would be located within 87.7 kilometers (55 miles) of a radio astronomy site, must demonstrate compliance with the radio astronomy facility protection criteria adopted as a result of this proceeding.

Administrative Matters

Ex Parte Rules—Non-Restricted Proceeding

12. 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 Commission rules. See generally 47 C.F.R. §§ 1.1202, 1.1203 and 1.1206(a).

Comment Information

13. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before March 31, 1995

and reply comments on or before April 21, 1995. To file formally in this proceeding, you must file an original plus four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. 20554.

Regulatory Flexibility Act

14. As required by § 603 of the Regulatory Flexibility Act, the Commission has prepared the following Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. 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. 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 (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981)).

Reason for Action

Footnote US74 to the Table of Frequency Allocations contained in Section 2.106 of the Commission's rules specifies that radio astronomy facilities using the spectrum 608 to 614 MHz (TV Channel 37) are to "be protected from extraband radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates." This language is not sufficiently clear to precisely establish the protection that radio astronomy facilities should be afforded. Also, because the locations of radio astronomy facilities were not known to broadcast applicants, the Commission has authorized construction of full service and low power television stations in close proximity to radio astronomy facilities, thereby potentially causing interference.

Objectives

This action is intended to eliminate the possibility of future authorization of facilities in excessive proximity to radio astronomy operations. The Commission proposes to amend its rules to specify the latitude and longitude of thirteen radio astronomy sites and to impose a simple field strength restriction that would apply to stations authorized on adjacent channels (i.e., Channels 36 and 38). This would effectively preclude interference to radio astronomy facilities.

Legal Basis

Authority for the actions proposed in this Notice may be found in Sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 and 303.

Reporting, Recordkeeping, and Other Compliance Requirements

None.

Federal Rules which Overlap, Duplicate, or Conflict With the Proposed Rule

None.

Description, Potential Impact and Number of Small Entities Involved

Because radio astronomy installations are located in rural areas, the number of station applications which may be affected by the field strength requirement should be very small, perhaps averaging less than one per year. In such cases, the applicant would need to design the facilities to limit the field strength produced at the radio astronomy site or possibly select another site. But because the protection requirement would be known in advance, there would be no relocation cost. There would be no impact on current broadcast licensees.

Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent With the Stated Objectives

There are none apparent.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-4556 Filed 2-23-95; 8:45 am]

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