

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM WY E5 Powell, WY [Revised]

Powell Municipal Airport, WY

(Lat. 44°52'12" N, long. 108°47'59" W)

Powell NDB

(Lat. 44°52'01" N, long. 108°47'18" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Powell Municipal Airport, and within 2.7 miles each side of the Powell NDB 164° bearing extending from the 7-mile radius to 7.9 miles southeast of the Powell NDB; that airspace extending upward from 1,200 feet above the surface beginning at lat. 45°22'00" N, long. 108°55'03" W; to lat. 45°22'00" N, long. 108°11'02" W; to lat. 44°15'15" N, long. 108°11'02" W, thence southwestward along the edge of the Worland, WY, 1,200-foot Class E airspace area to lat. 44°00'00" N, long. 108°24'43" W; west to lat. 44°00'00" N, long. 109°00'00" W; north to lat. 44°20'00" N, long. 109°00'00" W; thence west along lat. 44°20'00" N, to the east side of V-465, thence northeast along the east side of V-465 to the point of beginning.

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Issued in Seattle, Washington, on October 20, 1997.

Glenn A. Adams III,

*Assistant Manager, Air Traffic Division,
Northwest Mountain Region.*

[FR Doc. 97-28941 Filed 10-30-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR**National Park Service****36 CFR Part 13**

Glacier Bay National Park; Notice of Public Workshop on Commercial Fishing Proposed Rule and Environmental Assessment Alternatives

AGENCY: National Park Service, Interior.

ACTION: Notice of Public Workshop on Commercial Fishing Proposed Rule and Environmental Assessment Alternatives for Glacier Bay National Park.

SUMMARY: The National Park Service will conduct a public workshop on Glacier Bay National Park commercial fishing issues in Juneau, Alaska on November 6, 1997. The workshop will include public review and discussion of

the NPS Proposed Rule published on April 16, 1997 (62 FR 18547) and other alternatives under consideration in an Environmental Assessment addressing commercial fishing in the Park. The workshop will be held in the Egan Room at Centennial Hall from 9:00 am to 5:00 pm, and may continue on November 7 if there is sufficient public interest. Additional public workshops and hearings on the NPS Proposed Rule and Environmental Assessment are planned in Alaskan communities and Seattle, Washington during the winter and spring; notice of these public workshops and hearings will be published in the **Federal Register**.

DATES: The workshop will be held on November 6, 1997 from 9:00 am to 5:00 pm, and may continue on November 7 if there is sufficient public interest.

ADDRESSES: The workshop will be held in Juneau in the Egan Room at Centennial Hall.

FOR FURTHER INFORMATION CONTACT: J. M. Brady, Superintendent, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, Alaska 99826, Telephone: (907) 697-2230.

Dated: October 23, 1997.

Ralph Tingey,

Regional Director, Alaska Region.

[FR Doc. 97-28925 Filed 10-30-97; 8:45 am]

BILLING CODE 4310-70-P

**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Parts 2 and 25

[ET Docket No. 97-214; FCC 97-363]

Allocation of 455-456 MHz and 459-460 MHz Bands to MSS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The *Notice of Proposed Rule Making* ("NPRM") proposes to amend the Commission's Rules to allocate the 455-456 MHz and 459-460 MHz bands to the Mobile Satellite Service (Earth-to-space) ("MSS uplinks") on a primary basis for non voice, non-geostationary mobile satellite services ("NVNG MSS"). When implemented, this service, also referred to as the "Little LEO" satellite service, will use constellations of low-Earth orbiting ("LEO") satellites to provide commercial radiolocation and two-way data messaging services to potential customers anywhere in the world. This action proposes to implement domestically the NVNG MSS allocations

adopted at the 1995 World Radiocommunication Conference ("WRC-95").

DATES: Comments must be filed on or before December 1, 1997, and reply comments must be filed on or before December 15, 1997.

ADDRESSES: Comments and reply comments should be sent to the Office of Secretary, Federal Communications Commission, Washington, D.C. 20554. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed.

FOR FURTHER INFORMATION CONTACT: Tom Derenge, Office of Engineering and Technology, (202) 418-2451.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, ET Docket 97-214, FCC 97-363, adopted October 7, 1997, and released October 14, 1997. The full text of this Commission decision 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., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, N.W. Washington, D.C. 20036.

Summary of the Notice of Proposed Rule Making

1. In the *NPRM*, the Commission proposes to amend its Rules to allocate the 455-456 MHz and 459-460 MHz bands to the Mobile Satellite Service (Earth-to-space) ("MSS uplinks") on a primary basis for non-voice, non-geostationary mobile satellite services ("NVNG MSS"). When implemented, this service, also referred to as the "Little LEO" satellite service, will use constellations of low-Earth orbiting ("LEO") satellites to provide commercial radiolocation and two-way data messaging services to potential customers anywhere in the world. This action proposes to implement domestically the NVNG MSS allocations adopted at the 1995 World Radiocommunication Conference ("WRC-95"). This proposal would also address the growing demand for NVNG MSS and could provide satellite operators with increased flexibility in the design of their systems. Additionally, we propose to update Section 2.106 of our Rules to indicate the international allocations and international footnotes adopted at WRC-95 in the domestically allocated NVNG MSS frequency bands.

2. Little LEO satellite systems will allow customers to use small,

inexpensive transceivers to communicate with satellites operating at altitudes much lower than those in geostationary satellite orbits. The lower altitudes improve signal quality and reduce the time delay of transmission. Further, the orbital mechanics of LEO satellites cause them to appear on the horizon and move across the sky and then to disappear over the horizon as they orbit the Earth. In order to achieve continuous coverage, LEO systems plan to employ a constellation of satellites, so that as one satellite moves out of view, another satellite will come over the horizon to maintain coverage. The potential applications for this service include emergency location service, environmental data collection, vehicle tracking, and time-sensitive business and personal data communications, anywhere in the world.

3. The Commission believes that additional spectrum for NVNG MSS is needed to facilitate the competitive development of the Little LEO service. Although NVNG MSS has been allocated 4.05 megahertz of spectrum below 1 GHz (2.2 megahertz for uplinks and 1.85 megahertz for downlinks), we note that this spectrum is often shared with a number of incumbent operations, a factor which limits the capacity of Little LEO systems to meet service demands. We conclude that an allocation of additional spectrum will enable Little LEO licensees to develop cost effective systems with sufficient capacity to compete with other service providers in the telecommunications marketplace. Further, we note that the United States delegation for WRC-97 will seek an international allocation of additional spectrum below 1 GHz for Little LEO operations. Accordingly, we propose to allocate additional spectrum for Little LEO service and request comment on this proposal.

4. We propose to allocate the 455-456 MHz and 459-460 MHz bands for Little LEOs on a co-primary basis subject to the provisions of international footnotes S5.286A, B, and C which would not permit Little LEO operations to interfere with or inhibit the development of incumbent terrestrial operations. Notwithstanding that the WRC-95 Preparatory Docket concluded that these bands may have potential capacity for sharing with Little LEO uplinks without creating an unacceptable impact on incumbent operations, we request additional comment on whether there is sufficient spectrum sharing capacity in these bands to support the proposed allocation for Little LEOs and on whether there are techniques available that would permit Little LEOs to share this spectrum without causing harmful

interference to or constraining the development of incumbent operations. If so, we also request comment on whether a primary allocation with technical sharing requirements would be sufficient to protect incumbent operations.

5. Commission staff analysis indicates that there are more than 25,000 Part 74 auxiliary broadcast transmitters authorized to use the 455-456 MHz band throughout the United States. Since many auxiliary broadcast remote pickup channels in the 455-456 MHz band tend to be used only intermittently and Little LEO transmissions in the 148-149.9 MHz band are currently limited to a short duration of only 450 milliseconds, Little LEO systems may be able to search the spectrum for unused channels and accomplish their communications without hindering incumbent use. Further, as indicated in the Commission's WRC-95 preparatory Report, Little LEO channel assignment and low power techniques combined with brief message duration and geographic separation may be able to protect broadcast auxiliary use. We note, however, that the signal integrity of broadcast programming material must be maintained and that Little LEO operations will not be permitted to cause harmful interference to such auxiliary broadcast signals. We invite comment on the feasibility of spectrum sharing between Little LEO transmissions and the terrestrial broadcast remote pickup operations.

6. Also, Little LEO uplinks in the 459-460 MHz band would have to be compatible with a wide variety of fixed and mobile services authorized under Parts 22, 80 and 90 of the Rules. We note that certain operations in this frequency range, such as petroleum radio service operations at 459.0 MHz and BETRS operations, may be used only intermittently but require a high degree of reliability. Additionally, we note plans to auction channels in the 459.025-459.65 MHz segment to Part 22 licensees for such operations as common carrier paging, two-way mobile telephony, and rural radiotelephony. We seek comment on whether using the 459-460 MHz band for Little LEO operations would be compatible with current and future fixed and mobile operations. Specifically, we seek comment on whether certain portions of this band should not be allocated for Little LEO operations and on the feasibility of auctioning the 459.025-459.65 MHz segment to Part 22 licensees and also using this spectrum for Little LEO operations.

7. With respect to spectrum sharing between Little LEO operations and

incumbent fixed and mobile operations in the 455-456 MHz and 459-460 MHz bands, we note that this was initially addressed in preparation for WRC-95. While the sharing studies in IC Docket No. 94-31 were sufficient to justify seeking NVNG MSS uplink allocations in these bands, WRC-95 concluded that additional analysis was necessary. Specifically, WRC-95 acknowledged the demand for additional NVNG MSS spectrum, but it noted that spectrum below 1 GHz is extensively used by many services and that new technologies of some radio services, especially within the terrestrial mobile and broadcasting services, may have an impact on the sharing possibilities. Accordingly, WRC-95 adopted Resolution 214 to invite the study and development of recommendations on technical and operational issues related to sharing between Little LEO operations and other services having allocations in the bands proposed at that conference, and in other bands as necessary.

8. The issues of spectrum sharing between Little LEO operations and incumbent operations in the 455-456 MHz and 459-460 MHz bands are complex and will be thoroughly explored in a future, separate proceeding that will focus on developing appropriate service and licensing rules. We are seeking comment in the instant proceeding on whether there is sufficient sharing capacity in these bands to support the proposed allocation for Little LEOs and on whether there are techniques available that would permit Little LEOs to share this spectrum without causing harmful interference to or constraining the development of incumbent operations.

9. Finally, we propose to update the International Table of Allocations in Part 2 of our Rules to reflect the Final Acts of WRC-95 for the 137-138 MHz, 148-150.05 MHz, 399.9-400.05 MHz, 400.15-401 MHz, 455-456 MHz and 459-460 MHz bands. Specifically, we propose to update the 137-138 MHz and 148-150.05 MHz bands to reflect changes in international footnotes in this segment. We also propose to correct the domestic allocation segments of the Allocation Table for the 137.025-137.175 MHz and 137.825-138 MHz bands to indicate that the Mobile-Satellite allocations are on a secondary basis. We also propose to update the 399.9-400.05 MHz segment of the International Table of Allocations to reflect a primary allocation in all Regions to Land Mobile-Satellite (Earth-to-space) operations and the associated international footnotes for this segment.

Further, we propose to update the 400.15–401 MHz segment of the International Table of Allocations to reflect changes in the international footnotes in this segment. Additionally, we propose to update the 455–456 MHz and 459–460 MHz segments of the International Table of Allocations to reflect a Region 2 allocation to Mobile-Satellite (Earth-to-space) operations and the associated international footnotes in this segment.

10. We also propose to replace international footnote numbers 596, 597, 598, 599A, 599B, 608, 608A, 608B, 608C, 609, 609A, 609B, 645B, 647A, and 647B with new international footnotes which meet the new Radio Regulation numbering scheme and which reflect all modifications to these footnotes adopted at WRC–95. Specifically, we propose to replace the removed footnotes with new international footnote numbers S5.204, S5.205, S5.206, S5.207, S5.208, S5.208A, S5.209, S5.218, S5.219, S5.220, S5.221, S5.222, S5.223, S5.224, S5.260, S5.262, S5.263, S5.264, S5.271, S5.286A, S5.286B, and S5.286C in the list of international footnotes in Section 2.106. Further, we propose to update the Table of Frequency Allocations by removing United States footnote number US326 which expired on January 1, 1997. We also propose to revise Section 25.202(a)(3) by removing certain provisions that expired on January 1, 1997. Parties may comment on these proposed updates. This action is taken in pursuant to Sections (4)(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r).

Final Regulatory Flexibility Analysis

11. As required by the Regulatory Flexibility Act,¹ the Commission has prepared an Initial Regulatory Flexibility Analysis of the expected significant economic impact on small entities by the policies and rules proposed in this *Notice of Proposed Rule Making* (“Notice”). Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Notice provided above. The Secretary shall send a copy of this Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.²

A. Need for and Objectives of the Proposed Rules

12. The Notice proposes to allocate the 455–456 MHz and 459–460 MHz bands to the Mobile Satellite Service (Earth-to-space) (“MSS uplinks”) on a primary basis for non-voice, non-geostationary mobile satellite services (“NVNG MSS”). This service, also referred to as the “Little LEO” satellite service, uses constellations of low-Earth orbiting (“LEO”) satellites to provide commercial radiolocation and two-way data messaging services to potential customers anywhere in the world. We take this action on our own initiative in order to adopt domestically the NVNG MSS allocation adopted at the 1995 World Radiocommunication Conference (“WRC–95”).³ This proposal addresses the growing demand for NVNG MSS and could provide satellite operators with increased flexibility in the design of their systems.

B. Legal Basis

13. This action is taken pursuant to Sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

14. The Commission has not developed a definition of small entities relevant to satellite services licensees. Therefore, the applicable definition of small entity in the satellite services industry is the definition under the Small Business Administration (SBA) rules applicable to Communications Services “Not Elsewhere Classified.”⁴ This definition provides that a small entity is expressed as one with \$11.0 million or less in annual receipts. According to Census Bureau data, there are 848 firms that fall under the category of Communications Services, Not Elsewhere Classified. Of those, approximately 775 reported annual receipts of \$11 million or less and qualify as small entities.⁵ The Census Bureau category is very broad and

³ See Final Acts of the World Radio[communication] Conference (WRC–95) Geneva, 1995, Geneva, 17 November 1995 (“Final Acts”).

⁴ 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4899.

⁵ U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92–S–1, Subject Series, Establishment and Firm Size, Table 2D, Employment Size of Firms: 1992, SIC Code 4899 (issued May 1995).

commercial satellite services constitute only a subset of its total.

15. Although it is difficult to estimate the number of Little LEO entities that will utilize the spectrum proposed in this Notice, we note that the Commission has licensed three entities to provide Little LEO services in the United States: Orbital Communications Corporation (“Orbcomm”), Starsys Global Positioning, Inc. (“Starsys”), and Volunteers in Technical Assistance (“VITA”). Additionally, five more entities have filed applications with the Commission to provide Little LEO services: LEO One USA Corporation (“LEO One”); CTA Commercial Systems; E-Sat, Inc.; Final Analysis Communication Service, Inc. (“FACS”); and GE American Communications, Inc. (“GE Americom”). Of the eight potential Little LEO licensees that may ultimately utilize these bands if allocated, only VITA and LEO One qualify as small businesses.⁶ The other six entities are not small businesses because they each have revenues in excess of \$11 million annually or have parent companies or investors that have revenues in excess of \$11 million annually. We request comment on the description and number of small entities that are significantly impacted by this proposal.

16. Additionally, we note that there are numerous small entities that currently operate terrestrial fixed and mobile radio systems in the 455–456 MHz and 459–460 MHz bands under Parts 22, 74, 80 and 90 of our rules. However, in a future proceeding we will consider technical limitations on the new Little LEO operations in these bands in order to prevent harmful interference to incumbent fixed and mobile operations. We have not proposed any rule changes to the incumbent fixed and mobile operations. Accordingly, we do not believe this proposed action will have a negative impact on small entities that currently operate in the 455–456 MHz and 459–460 MHz bands.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

17. In this proceeding, we are proposing to allocate this spectrum to NVNG MSS. The licensing and technical regulations governing these operations will be addressed in a separate proceeding. Therefore, this proposed action does not create any reporting or compliance requirements.

⁶ See *Notice of Proposed Rule Making* at 44, IB Docket No. 96–426, FCC 96–426, (1996).

¹ 5 U.S.C. 603.

² See *id.* section 603(a).

E. Significant Alternatives to Proposed Rules Which Minimize Significant Economic Impact on Small Entities and Accomplish Stated Objectives

18. No Petitions for Rule Making were filed to initiate this proceeding and there are no comments in this proceeding that suggest alternatives to this proposed allocation. International regulations require that NVNG MSS operations not cause harmful interference to nor constrain the development of incumbent operations which should minimize the impact on incumbent small entities. We request comment on further alternatives that might minimize the amount of economic impact on small entities.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

19. None.

List of Subjects

47 CFR Part 2

Communications equipment, Radio.

47 CFR Part 25

Communications equipment, Satellites.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-28760 Filed 10-30-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-220, RM-9179]

Radio Broadcasting Services; Dallas, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Michael Mattson seeking the allotment of Channel 252C3 to Dallas, OR, as the community's first local FM service. Channel 252C3 can be allotted to Dallas in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 44-55-06 North Latitude and 123-19-00 West Longitude.

DATES: Comments must be filed on or before December 15, 1997, and reply comments on or before December 30, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Michael L. Mattson, 15740 May Road, Dallas, OR 97338 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-220, adopted October 15, 1997, and released October 24, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-28894 Filed 10-30-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-116, RM-9050 and RM-9123]

Radio Broadcasting Services; Everglades City, LaBelle, Estero and Key West, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Order to Show Cause.

SUMMARY: In response to a counterproposal filed by InterMart Broadcasting West Coast, Inc., we have issued an Order to Show Cause to Spectrum Radio, Inc., licensee of Station WEOW, Channel 223C1, Key West, Florida. InterMart Broadcasting West Coast, Inc. has proposed the substitution of Channel 224C1 for Channel 223C1 at Key West, Florida, and modification of the license for Station WEOW accordingly. This document affords Station WEOW an opportunity to object to the proposed channel change but it does not afford an additional opportunity to comment on the merits of the proposal set forth in the Notice of Proposed Rule Making or the proposal advanced in the counterproposal. See 62 FR 22900, April 28, 1997.

DATES: Comments must be filed on or before December 15, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order to Show Cause, MM Docket No. 97-116, adopted October 15, 1997, and released October 24, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.