

extraordinary circumstances exist as to the present revocation that would change EPA's above analysis, I certify that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects 40 CFR Part 180

Environmental protection, Vinclozolin, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and record keeping requirements.

Dated: August 18, 1997.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended to read as follows:

PART 180—[AMENDED]

- 1. In part 180:
 - a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.
 - b. Section 180.380 is amended by revising paragraph (a) to read as follows:

§ 180.380 Vinclozolin; tolerances for residues.

(a) *General.* Tolerances are established for the combined residues of the fungicide vinclozolin (3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione) and its metabolites containing the 3,5-dichloroaniline moiety in or on the food commodities in the table below. There are no U.S. registrations for Belgian endive, tops, cucumbers, grapes (wine), kiwi, pepper (bell) as of July 30, 1997. The tolerances will expire and are revoked on the date(s) listed in the following table:

Commodity	Parts per million	Expiration/Revocation Date
Beans, succulent	2.0	10/1/99
Belgian endive, tops	5.0	None
Cucumbers	1.0	None
Grapes, (wine)	6.0	None
Kiwifruit	10.0	None
Lettuce, head	10.0	None
Lettuce (leaf)	10.0	None
Onions (dry bulb)	1.0	None
Peppers (bell)	3.0	None
Raspberries	10.0	None
Stonefruits except plums/fresh prunes	25.0	None
Strawberries	10.0	None

* * * * *
 [FR Doc. 97-22808 Filed 8-26-97; 8:45 am]
 BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[ET Docket No. 94-124; FCC 97-267]

Use of Radio Frequencies Above 40 GHz for New Radio Applications

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: By this *Fourth Notice of Proposed Rule Making* (4th NPRM) the Commission proposes to amend the rules to provide a spectrum etiquette for operation of unlicensed services in the 59-64 GHz frequency. The Commission seeks comment on the proposed spectrum etiquette.

DATES: Comments must be filed on or before September 26, 1997, and reply comments must be filed October 14, 1997. Interested parties wishing to comment on the information collections should submit comments September 26, 1997.

ADDRESSES: Comments and reply comments should be sent to the Office of the Secretary, Federal

Communications Commission, Washington D.C. 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20554, or via electronic mail to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: John A. Reed (202) 418-2455 or Rodney P. Conway (202) 418-2904. Via electronic mail: jreed@fcc.gov or rconway@fcc.gov, Office of Engineering and Technology, Federal Communications Commission. For additional information concerning the information collections, or copies of the information collections contained in this NPRM contact Judy Boley at (202) 418-0217, or via electronic mail at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Fourth Notice of Proposed Rule Making*, ET Docket 94-124, FCC 97-267, adopted July 28, 1997, and released August 14, 1997.

This NPRM contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. The general public, and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding.

A 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, phone (202) 857-3800, facsimile (202) 857-3805, 1231 20th Street, N.W. Washington, D.C. 20036.

Summary of the 4th NPRM

1. In the *Second Notice of Proposed Rule Making*, 61 FR 14041, March 29, 1996, the Commission requested comment regarding a spectrum etiquette for operation in the 59-64 GHz band. The Commission provided one year for a spectrum etiquette to be submitted and encouraged industry to form a working group to develop a spectrum etiquette to permit efficient use of the 59-64 GHz band. In response, the Millimeter Wave Communications Working Group (MWCWG) was formed and proposed a Spectrum Etiquette for equipment operating in the 59-64 GHz band. The MWCWG proposed Spectrum Etiquette can be accessed at [<http://www.fcc.gov/oet/dockets/et94-124/>]. MWCWG seeks adoption of its proposal to permit efficient use of the spectrum by enabling greater frequency reuse and lowering the probability of interference.

2. The 4th NPRM seeks comment on a proposed spectrum etiquette for unlicensed services in the 59–64 GHz frequency band. The proposed spectrum etiquette seeks to: (1) Establish a coordination channel located at 59.0–59.05 GHz to be used exclusively to establish techniques that various transmitters could use to help mitigate or eliminate interference; (2) establish a format for transmitter identification by requiring a 60 GHz transmitter with an output power of 0.1 mW or more to transmit information that contains the FCC ID number, the serial number of the transmitter, and a user definable field of up to 24 bytes of information; (3) adopt a limit for peak equivalent isotropically radiated power of 20 W for 60 GHz transmitters; (4) limit the peak transmitter output power to 500 mW; and (5) limit the peak transmitter output power for transmitters employing a 6 dB bandwidth of less than 100 MHz, as measured with a 100 kHz resolution bandwidth spectrum analyzer, according to the following formula: $P \leq 500 [\text{bandwidth in MHz}/100] \text{ mW}$.

3. The Commission seeks comments on whether it should adopt the standards contained in the MWCWG proposal. The Commission is particularly interested in comments regarding the proposed transmitter identification requirements and the designation of a coordination channel. The Commission wishes to clarify, however, that the reference in the MWCWG filing for “radiated power” actually refers to transmitter output power.

4. Parties commenting on the proposed peak limits and measurements should be aware of the possible application of a pulse desensitization correction factor. Comments should be directed towards the specific substance contained in the proposed Spectrum Etiquette and we remind parties that the actual regulations adopted may differ from those contained in the proposed Spectrum Etiquette.

Initial Regulatory Flexibility Analysis

5. *Need for and Objective of the Rules.* This rule making proceeding is initiated to obtain comments regarding the proposed Spectrum Etiquette for general unlicensed operation in the 59–64 GHz band. The Commission seeks comment on a spectrum etiquette proposed by the Millimeter Wave Communications Working Group for the purpose of minimizing interference among general unlicensed systems operating in the 59–64 GHz band.

6. *Legal Basis.* The proposed action is authorized under Sections 4(j), 301, 302, 303(e), 303(f), 303(g), 303(r), 304 and

307 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 302, 303(e), 303(f), 303(g), 303(r), 304 and 307.

7. *Reporting, Recordkeeping and Other Compliance Requirements.* We propose to establish a spectrum etiquette that would apply to and minimize interference between general unlicensed systems operating in the 59–64 GHz band. The spectrum etiquette will require measurements to be reported to the Commission as part of the normal equipment authorization process under our certification procedure.

8. *Federal Rules Which Overlap, Duplicate or Conflict With These Rules.* None.

9. *Description, Potential Impact and Number of Small Entities Involved.* We expect that multiple manufacturers will manufacture transmitters to operate in the 59–64 GHz band for fixed field disturbance sensors and high speed computer to computer transmission systems.

10. *Any Significant Alternatives Minimizing the Impact on Small Entities Consistent With Stated Objectives.* None.

List of Subjects

47 CFR Part 2

Communications equipment, Radio.

47 CFR Part 15

Communications equipment, Highway safety, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-22551 Filed 8-26-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF THE INTERIOR

50 CFR Part 38

RIN 1018-AE19

Supplemental Regulations for Administration of Midway Atoll National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes supplemental regulations to provide for the administration of the Midway Islands and Midway Atoll National Wildlife Refuge. Under the provisions of Executive Order 13022 of October 31, 1996, the Midway Islands were transferred from the jurisdiction and

control of the Department of the Navy to the Department of the Interior for administration as a national wildlife refuge by the Service. 61 FR 56875 (1996). The proposed regulations would supplement existing regulations in 50 CFR Parts 25–32 which also apply to Midway Atoll National Refuge.

DATES: Comments may be submitted on or before October 27, 1997.

ADDRESSES: Regional Director, Region 1, U.S. Fish and Wildlife Service, (ARW/OPR), 911 NE 11th. Ave., Portland, OR 97232-4181.

FOR FURTHER INFORMATION CONTACT: Mark Strong, U.S. Fish and Wildlife Service (ARW/OPR), Telephone (503) 231-2075.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior is authorized under the National Wildlife Refuge System Administration Act to permit uses of units of the National Wildlife Refuge System which he determines are compatible with the purposes for which the unit was established as a refuge. 16 U.S.C. 668dd(d)(1). Executive Order 13022 of October 31, 1996, vests in the Secretary of the Interior legislative and executive authority necessary for the administration of the Midway Islands as the Midway Atoll National Wildlife Refuge.

The purposes of part 38 are to provide supplemental regulations for the administration of Midway Atoll National Wildlife Refuge in addition to those contained in 50 CFR Parts 25–32; and to delegate certain powers, duties, and responsibilities to appropriate officers of the Service for the administration of Midway Atoll National Wildlife Refuge.

The National Wildlife Refuge System Administration Act (NWRSA) of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act (RRA) of 1962 (16 U.S.C. 460k) govern the administration and use of national wildlife refuges. Specifically, Section 4(d)(1)(A) of the NWRSA authorizes the Secretary of the Interior, under such regulations as he may prescribe, to permit the use of any area within the Refuge System for any purpose, including but not limited to, fishing and public recreation, accommodations and access, whenever he determines that such uses are compatible with the major purpose(s) for which the area was established. Section 48 of the Hawaii Omnibus Act, 74 Stat. 424, provides for the civil administration of Midway Island by the agencies and officials authorized by the President. The President has authorized administration of the Midway Atoll National Wildlife Refuge by the Secretary of the Interior through the