

antenna gain shall be computed as follows:

(i) The directional gain, in dBi, shall be calculated as the sum of 10 log (number of array elements or staves) plus the directional gain, in dBi, of the individual element or stave having the highest gain.

(ii) A lower value for the directional gain than that calculated in paragraph (b)(2)(i) of this section will be accepted if sufficient evidence is presented, e.g., due to shading of the array or coherence loss in the beam-forming.

(3) If a transmitter employs an antenna that operates simultaneously on multiple directional beams using the same or different frequency channels and if transmitted beams overlap, the power shall be reduced to ensure that the aggregate power from the overlapping beams does not exceed the limit specified in paragraph (b)(2) of this section. In addition, the aggregate power transmitted simultaneously on all beams shall not exceed the limit specified in paragraph (b)(2) of this section by more than 8 dB.

(4) Transmitters that emit a single directional beam shall operate under the provisions of paragraph (b)(2) of this section.

(c) Mobile and portable stations are limited to 1 watt/25 MHz EIRP. In any event, the peak EIRP density shall not exceed 40 milliwatts in any one-megahertz slice of spectrum.

#### § 90.1323 Emission limits.

(a) The power of any emission outside a licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) within the licensed band(s) of operation, measured in watts, by at least  $43 + 10 \log(P)$  dB. Compliance with this provision is based on the use of measurement instrumentation employing a resolution bandwidth of 1 MHz or less, but at least one percent of the emission bandwidth of the fundamental emission of the transmitter, provided the measured energy is integrated over a 1 MHz bandwidth.

(b) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in this section.

#### § 90.1331 Restrictions on the operation of base and fixed stations.

(a)(1) Except as provided in paragraph (a)(2) of this section, base and fixed stations may not be located within 150 km of any grandfathered satellite earth station operating in the 3650–3700 MHz band. The coordinates of these stations

are available at <http://www.fcc.gov/ib/sd/3650/>.

(2) Base and fixed stations may be located within 150 km of a grandfathered satellite earth station provided that the licensee of the satellite earth station and the 3650–3700 MHz licensee mutually agree on such operation.

(3) Any negotiations to enable base or fixed station operations closer than 150 km to grandfathered satellite earth stations must be conducted in good faith by all parties.

(b) (1) Except as specified in paragraph (b)(2) of this section, base and fixed stations may not be located within 80 km of the following Federal Government radiolocation facilities: St. Inigoes, MD—38° 10' N., 76°, 23' W. Pascagoula, MS—30° 22' N., 88°, 29' W. Pensacola, FL—30° 21' 28" N., 87°, 16' 26" W.

**Note:** Licensees installing equipment in the 3650–3700 MHz band should determine if there are any nearby Federal Government radar systems that could affect their operations. Information regarding the location and operational characteristics of the radar systems operating adjacent to this band are provided in NTIA TR-99-361.

(2) Requests for base or fixed station locations closer than 80 km to the Federal Government radiolocation facilities listed in paragraph (b)(1) of this section will only be approved upon successful coordination by the Commission with NTIA through the Frequency Assignment Subcommittee of the Interdepartmental Radio Advisory Committee.

#### § 90.1333 Restrictions on the operation of mobile and portable stations.

(a) Mobile and portable stations may operate only if they can positively receive and decode an enabling signal transmitted by a base station.

(b) Any mobile/portable stations may communicate with any other mobile/portable stations so long as each mobile/portable can positively receive and decode an enabling signal transmitted by a base station.

(c) Airborne operations by mobile/portable stations is prohibited.

#### § 90.1335 RF safety.

Licensees in the 3650–3700 MHz band are subject to the exposure requirements found in § 1.1307(b), 2.1091 and 2.1093 of our Rules.

#### § 90.1337 Operation near Canadian and Mexican borders.

(a) Fixed devices generally must be located at least 8 kilometers from the U.S./Canada or U.S./Mexico border if the antenna of that device looks within

the 160° sector away from the border. Fixed devices must be located at least 56 kilometers from each border if the antenna looks within the 200° sector towards the border.

(b) Fixed devices may be located nearer to the U.S./Canada or U.S./Mexico border than specified in paragraph (a) of this section only if the Commission is able to coordinate such use with Canada or Mexico, as appropriate.

(c) Licensees must comply with the requirements of current and future agreements with Canada and Mexico regarding operation in U.S./Canada and U.S./Mexico border areas.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 73 and 76

[FCC 05-22]

#### Order on Reconsideration, in the Matter of Children's Television Obligations of Digital Television Broadcasters

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; stay of effective date.

**SUMMARY:** This document stays two sections of the CFR regarding the requirements for Internet Web site address displays in children's television programming in MM Docket 00-167, published on January 3, 2005 (70 FR 25), until January 1, 2006. These requirements became effective on February 3, 2005.

**DATES:** Effective May 11, 2005, 47 CFR 73.670(b) and (c) and 76.225(b) and (c) are stayed until January 1, 2006.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Kim Matthews, Policy Division, Media Bureau, Federal Communications Commission, (202) 418-2120.

**SUPPLEMENTARY INFORMATION:** Among other things, the *Report and Order* adopted September 9, 2004 in MM Docket 00-167 (70 FR 25, January 3, 2005) held that the display of Internet Web site addresses during programs directed to children ages 12 and under is permitted as within the commercial time limitations only if the Web site meets the following criteria: (1) It offers a substantial amount of bona fide program-related or other noncommercial content; (2) it is not primarily intended

for commercial purposes, including either e-commerce or advertising; (3) the Web site's Home page and other menu pages are clearly labeled to distinguish the noncommercial from the commercial sections; and (4) the page of the Web site to which viewers are directed by the Web site address is not used for e-commerce, advertising, or other commercial purposes (e.g., contains no links labeled "store" and no links to another page with commercial material). The *Report and Order* also states that the display of Web site addresses in children's programs is prohibited during both program material and commercial material when the site uses characters from the program to sell products or services. This Order on Reconsideration grants the informal request of a number of broadcasters and cable operators and programmers that the effective date of these new rules be deferred to January 1, 2006, consistent with the effective date of many of the other requirements in the Order.

A number of broadcasters and cable operators and programmers have expressed concern that compliance with these new requirements by the February 1, 2005, effective date will be difficult. Specifically, these parties state that they were unprepared for the decision to regulate Web site displays virtually immediately, and that each company must structure a plan of compliance and then reconstruct its Web site or Web sites accordingly. These parties have requested that the effective date of these new rules be stayed to January 1, 2006, consistent with the effective date of many of the other requirements in the *Report and Order*.

We believe that it is appropriate to afford broadcasters and cable operators additional time to come into compliance with these newly adopted requirements. Accordingly, on our own motion, pursuant to 47 CFR 1.108, we stay the effective date of newly adopted §§ 73.670(b) and (c) and Sections 76.225(b) and (c) of Title 47 of the Commission's rules until January 1, 2006. This stay in the effective date of these new provisions will give broadcasters and cable operators more time to review and make any necessary changes to their programs or Web sites to comply with these new requirements.

The *Report and Order* also makes effective February 1, 2005 the decision to apply the commercial limits and policies to all digital video programming directed to children ages 12 and under, whether that programming is aired on a free or pay digital stream. Thus, the limitation on the number of minutes of commercial matter in children's programming to

10.5 minutes per hour on weekends and 12 minutes per hour on weekdays applies to both analog and digital broadcasters and to both free and pay digital streams. We do not delay the effective date of this requirement. However, the *Report and Order* was published in the **Federal Register** January 3, 2005. Accordingly, we will commence enforcement of this requirement February 3, 2005, rather than February 1, 2005.

*Congressional Review Act.* The Commission will send a copy of this Order on Reconsideration in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

*Paperwork Reduction.* This Order on Reconsideration does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(ca)(4).

Accordingly, it is ordered that 47 CFR Sections 73.670(b) and (c) and Sections 76.225(b) and (c) as adopted in the *Report and Order* in the above-captioned proceeding are stayed until January 1, 2006.

#### List of Subjects in 47 CFR Parts 73 and 76

Cable, Television.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 040429134-4135-01; I.D. 050405D]

#### Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1—Adjustment of the Commercial Fisheries From the Cape Falcon, Oregon, to the Oregon-California Border

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Modification of fishing seasons; request for comments.

**SUMMARY:** NMFS announces that the commercial salmon fisheries in the area from the Cape Falcon, Oregon, to the Oregon-California Border were modified by inseason action. This action was necessary to conform to the 2004 management goals. The intended effect of this action was to allow the fishery to operate within the seasons and quotas specified in the 2004 annual management measures.

**DATES:** Adjustments for the area from the Cape Falcon, OR, to the Oregon-California Border effective 0001 hours local time (l.t.), March 15, 2005, until 2359 hours l.t., April 15, 2005; after which the fishery will remain closed until opened through an additional inseason action for the west coast salmon fisheries, which will be published in the **Federal Register**, or until the effective date of the next scheduled open period announced in the 2005 annual management measures. Comments will be accepted through May 26, 2005.

**ADDRESSES:** Comments on these actions must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070; or faxed to 206-526-6376; or Rod McInnis, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132; or faxed to 562-980-4018. Comments can also be submitted via e-mail at the [2005salmonIA1.nwr@noaa.gov](mailto:2005salmonIA1.nwr@noaa.gov) address, or through the internet at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments, and include Docket Number 040429134-4135-01 in the subject line of the message. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

**FOR FURTHER INFORMATION CONTACT:** Christopher Wright, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The NMFS Regional Administrator (RA) modified the seasons for the commercial salmon fishery in the area from Cape Falcon, OR to the Oregon-California Border by inseason action. The area from Cape Falcon to Humbug Mountain, OR was modified to be open March 15 through March 25, 2005, and April 1 through April 15, 2005, with a Chinook minimum size limit of 27 inches (68.6