

pay for postage due at home during normal business hours. Furthermore, a steadily increasing percentage of mail is delivered to receptacles that are not immediately adjacent to a dwelling, such as grouped receptacles in the lobby of an apartment building. Often postage is not collected and the mail must be returned to the sender, causing that mail to be delayed in reaching the intended recipient. To improve customer service and avoid such delays, this proposed rule would allow the Postal Service to immediately return shortpaid mail for additional postage so that it can be resent and reach the addressee more expeditiously than under the current procedures.

Additionally, the Postal Service has been victimized by numerous schemes to mail letters with insufficient postage. Much of this loss comes from the deposit of letters for delivery as regular First-Class Mail with only 6 cents or less in postage affixed. The Postal Service must recoup lost postage from mailings by customers who pay the proper rate of postage. In such situations, it can be extremely difficult and time-consuming for a letter carrier to attempt to collect postage due. As a result, postage due on shortpaid mail frequently is not collected, despite the effort and expense incurred to attempt delivery to the addressee.

The proposed rule would treat shortpaid mail in the same manner as mail without any postage. Both forms of mail generally would be returned to the sender without any attempt at delivery. Thus, schemes to mail letters with insufficient postage would no longer be effective. As is currently the case with mail bearing no postage, mail displaying no return address, or a return address that is, in fact, the address of the intended recipient, would be sent to a Postal Service mail recovery center.

In some recent incidents, postal employees have mistakenly treated mail bearing proper postage at a discounted rate as shortpaid mail. An aggressive campaign is under way to ensure that all employees who handle mail can distinguish between discounted rate mail and shortpaid mail. The proposed rule is meant to apply only to mail that is genuinely shortpaid, and the Postal Service will take all steps necessary to see that the rule is implemented accordingly.

Existing DMM sections P011.1.3, 1.4, and 1.7 (renumbered as 1.5) are retained as exceptions to the general rule described above. Proposed new section 1.6 is added to reflect current policy and states clearly that additional postage for disqualified bulk or presort rate mailings is collected from the mailer

prior to dispatch. Proposed new section 1.7 is added as a final exception, and provides that shortpaid mail may be delivered to addressees who have made arrangements with their postmasters to pay the postage due.

In consideration of the foregoing, the Postal Service proposes to amend DMM P011 as set forth below.

Although exempt from the notice and comment requirements of the Administrative Procedures Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed revisions of the DMM, incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

#### List of Subjects in 39 CFR Part 111

Postal Service.

#### PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following units of the Domestic Mail Manual as noted below:  
P011 Payment

#### 1.0 PREPAYMENT AND POSTAGE DUE

\* \* \* \* \*

#### 1.2 Unpaid and Shortpaid Mail

Except as provided by 1.3 through 1.7, matter of any class, either with no postage or with insufficient postage, is endorsed "RETURNED FOR POSTAGE" and returned to the sender without an attempt at delivery. Matter bearing no postage or insufficient postage is treated as dead mail and sent to a Postal Service mail recovery center if:

- a. No return address is shown;
- b. The delivery and return addresses are identical;
- c. The delivery and return addresses are different but are actually the same person or organization; or
- d. The mail is refused by the sender when returned for collection of postage due.

\* \* \* \* \*

[Delete existing 1.5, 1.6, and 1.9; renumber existing 1.7 as 1.5; add new 1.6 and 1.7 as follows:]

#### 1.6 Bulk and Presort

Additional postage due must be paid prior to dispatch for a bulk or presort rate mailing that is found to have insufficient postage when presented to the USPS for acceptance.

#### 1.7 Special Payment Arrangements

Shortpaid mail may be delivered if the addressee makes arrangements with the delivery post office for the payment of additional postage.

\* \* \* \* \*

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 96–8383 Filed 4–4–96; 8:45 am]

BILLING CODE 7710–12–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2 and 15

[ET Docket No. 96–8; FCC 96–36]

#### Spread Spectrum Transmitters

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** By this *Notice of Proposed Rule Making* ("NPRM"), the Commission proposes to amend its rules regarding the operation of spread spectrum transmission systems in the 902–928 MHz, 2400–2483.5 MHz and 5725–5850 MHz bands. For simplicity, these bands will be referenced in this proposal as 915 MHz, 2450 MHz and 5800 MHz, respectively. The Commission proposes to eliminate the limit on directional gain antennas for spread spectrum transmitters operating in the 5800 MHz band. We are also proposing to reduce, from 50 to 25, the minimum number of channels required for frequency hopping spread spectrum systems operating in the 915 MHz band. These proposals are in response to Petitions for Rule Making filed by Western Multiplex Corporation (WMC) and Spectralink Corporation (Spectralink). We are also denying a Petition for Rule Making from Symbol Technologies, Inc. (Symbol). Further, the Commission on its own motion proposes a number of amendments to the spread spectrum regulations to clarify the existing regulations, to codify existing policies into the rules, and to update the current definitions. These changes will expand the ability of equipment manufacturers to develop spread spectrum systems for unlicensed use.

**DATES:** Comments must be filed on or before June 19, 1996, and reply comments must be filed on or before July 19, 1996.

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

**FOR FURTHER INFORMATION CONTACT:** John Reed, Office of Engineering and Technology, (202) 418-2455.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rule Making*, ET Docket No. 96-8, FCC 96-36, adopted January 30, 1996, and released February 5, 1996. 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, 2100 M Street, N.W., Suite 140, Washington D.C. 20037.

#### Summary of Notice

1. The Commission is proposing to amend Parts 2 and 15 of the rules regarding the operation of spread spectrum transmission systems in the 915 MHz, 2450 MHz and 5800 MHz bands. The spread spectrum rules, as originally adopted, did not specify a limit on antenna gain. At that time there were few other operators in these bands and little potential that interference would be caused to other users. Further, we wished to offer an incentive to spur the development of spread spectrum systems. These bands, especially the 915 MHz and the 2450 MHz bands, are now becoming more crowded, particularly with mobile units, increasing the potential that spread spectrum systems using high gain antennas will cause harmful interference. In addition to the licensed radio services, wireless computer local area network systems and various consumer products, such as cordless telephones, are being used under Part 15 in the 915 MHz and 2450 MHz bands.

2. Since there are few operators in the 5800 MHz band, the potential that harmful interference will occur from the use of directional antennas is much lower. There are also fewer mobile users in the 5800 MHz band. It is easier to engineer a fixed, point-to-point system to operate without causing harmful interference problems if the other stations in that band are fixed in location. Further, the 5800 MHz band is ideal for fixed, point-to-point wideband microwave operations, the type of applications desired by WMC. Accordingly, the Commission believes the limit on directional antenna gain should only be eliminated for spread spectrum systems operating in the 5800

MHz band. We request comment on this proposal. While we are not inclined to provide a similar relaxation for the 2450 MHz band, we also ask for comment on whether we should eliminate the 6 dB limit on directional antenna gain in this band.

3. The Commission further believes that if spread spectrum transmitters employing high gain antennas were made available to the general public, it would be difficult to ensure that these systems are used only for fixed, point-to-point applications. In addition, high gain directional antenna systems, because of their narrow transmission beamwidth and the problems associated with aligning the transmitter with the receiver site, are not products that would normally be employed by the general public. Accordingly, we believe that the marketing of spread spectrum systems employing high gain antennas should be limited to commercial or industrial operators and exclude sales to the general public. The Commission further proposes to hold the operator of a spread spectrum system responsible for ensuring that the system is operated in a compliant manner. In addition, we propose to require that the manual supplied with the spread spectrum transmitter contain language in the installation instructions notifying the operator of this responsibility.

4. In addition, absent controls regarding the locations and manner in which spread spectrum transmitters may be used, systems employing high gain directional antennas could expose the public to potentially harmful signal levels that exceed the radio frequency exposure limits in our rules and recommended by various standards-setting organizations. In order to meet our obligation under the National Environmental Policy Act, we propose to hold the holder of the grant of certification for the transmitter, the grantee, responsible for ensuring that the equipment is designed to minimize exposure of the public to excessive radio frequency (RF) signal levels. Comments are requested concerning possible biological hazards from the high effective radiated power levels that could be emitted from these systems, any additional methods that can be employed to prevent unnecessary exposure of the public, and whether we should prescribe the use of specific means for preventing such exposure.

5. The Commission also seeks comments in two additional areas regarding the technical standards for spread spectrum transmission systems operating without a limit on directional antenna gain. The first of these concerns a reduction in the output power of the

transmitter based on the amount that the increase in directional antenna gain exceeds the current limit of 6 dBi. We propose that the output power of a transmitter would need to be decreased by 1 dB for every 3 dB that the antenna gain exceeds 6 dBi in order to maintain an "equivalent" area of interference, *i.e.*, the geographic area over which interference could result with a directional antenna as compared to the area obtained with an omnidirectional antenna. See the proposed new Section 15.274(b)(4) in Appendix B of the *NPRM*. We are also seeking comments on whether the rules should specify limits on the horizontal and vertical beamwidths of antennas used with point-to-point systems. Certain antenna designs, *e.g.*, a horizontally polarized yagi antenna, concentrate the signal strength in azimuth (horizontal) but not in elevation (vertical). A fixed, point-to-point system employing an antenna with a wide elevation beamwidth that is pointed towards an office building with multiple floors could result in severe interference problems to any party in that building who is in line with the system and is operating in the same band. Several antenna designs concentrate the radiated signals in both azimuth and elevation, *e.g.*, circular dish antennas and stacked yagi antennas. The Commission believes that any interference problems resulting from excessive vertical emissions could be resolved if the 3 dB beamwidths, in both the vertical and the horizontal planes, of the high gain directional antennas employed with these fixed, point-to-point systems differ by no more than a factor of two and are proposing such a limit.

6. As SpectraLink observes in its petition, there could be mutual interference problems between wideband, multilateration LMS systems and Part 15 frequency hopping spread spectrum systems, and it would be beneficial if these two operations could avoid sharing the same spectrum. The modification sought by SpectraLink would appear to promote frequency sharing within this band. Therefore, the Commission proposes to amend the rules to permit frequency hopping spread spectrum systems in the 915 MHz band to use only 25 hopping channels, provided that those systems employ hopping channel bandwidths of at least 250 kHz and the transmitters operate at a reduced power level. Hopping systems using channel bandwidths less than 250 kHz already can avoid operating in the bands used by broadband multilateration LMS systems and require no decrease in the

minimum number of hopping channels. For frequency hopping systems employing channel bandwidths of 250 kHz or greater, we propose to reduce the minimum number of hopping channels to 25. Consistent with this plan, we are also proposing to modify the maximum average time of occupancy on any hopping frequency to 0.4 seconds in any 10 second period to correspond to the reduction in the number of hopping channels. Comments are also requested as to whether the rules should specify a formula for the minimum number of hopping channels based on the amount by which the bandwidth of the hopping channel exceeds 250 kHz.

7. Further, in order to reduce the potential for interference due to the smaller number of hopping channels, we propose to require that frequency hopping spread spectrum systems in the 915 MHz band that use fewer than 50 hopping channels operate with a maximum peak transmitter output power of 500 mW.

8. We are also denying the Petition for Rule Making from Symbol to reduce the minimum number of hopping channels for frequency hopping spread spectrum systems operating in the 2450 MHz or 5800 MHz bands.

9. There are also several additional regulations concerning Part 15 spread spectrum transmission systems that need to be clarified, codified or amended. They are Spectral power density, Short duration transmissions, Measurement of processing gain, Limits on unwanted emissions, Frequency hopping coordination, External radio frequency power amplifiers, Transition provisions, Definition of direct sequence and Pseudorandom sequence and frequency hopping systems. These are discussed in more detail in the full text of the Commission's *NPRM*, ET Docket 96-8.

#### Initial Regulatory Flexibility Analysis

1. *Reason for Action:* This rule making proceeding is initiated to obtain comment regarding proposed changes to the regulations for non-licensed spread spectrum transmitters.

2. *Objectives:* The Commission seeks to determine if the standards should be amended as sought in Petitions for Rule Making filed by WMC, Symbol and SpectraLink. Additional amendments are also proposed to clarify the existing regulations and to codify existing policies into the rules.

3. *Legal Basis:* The proposed action is authorized under Sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307.

4. *Reporting, Recordkeeping and Other Compliance Requirements:* Part 15 spread spectrum transmitters are already required to be authorized under the Commission's certification procedure as a prerequisite to marketing and importation. The changes proposed in this proceeding would not change any of the current reporting or recordkeeping requirements. Further, the proposed regulations add permissible methods of operation and would not require the modification of any existing products.

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

6. *Description, Potential Impact and Number of Small Entities Involved:* The actions proposed in this proceeding add permissible methods of operation and will not require the modification of any existing products. Accordingly, there should be no mandatory impact on any small entities.

7. *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, Radio.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 96-8386 Filed 4-4-96; 8:45 am]

BILLING CODE 6712-01-P

#### 47 CFR Parts 36 and 69

[CC Docket No. 96-45; DA-96-483]

#### Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule: extension of time.

SUMMARY: On April 1, 1996, the Federal Communications Commission ("Commission") released an Order ("Order") extending the deadline for filing comments to its Notice of Proposed Rulemaking and Order Establishing Joint Board, released March 8, 1996 (CC Docket No. 96-45). Previously, comments were due April 8, 1996 and reply comments were due May 3, 1996. The Order extends the comment deadline to April 12, 1996 and extends the reply comment deadline to May 7, 1996. This extension will allow

interested parties additional time to file comments and reply comments.

DATES: Comments are due on or before April 12, 1996. Reply comments are due on or before May 7, 1996.

ADDRESSES: Comments should be addressed to Office of the Secretary, Federal Communications Commission, 1919 M Street, NW, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Senior Attorney, 202 418-0850, Accounting and Audits Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: On March 8, 1996, the Federal Communications Commission released a Notice of Proposed Rulemaking and Order Establishing Joint Board ("NPRM"), 61 FR 10,499. The Commission sought comment on all matters discussed in that NPRM. The deadline for comments was April 8, 1996 and the deadline for reply comments was May 3, 1996. On April 1, 1996, the Commission released an Order that denied the joint request of the following groups for a thirty-day extension of both the comment deadline and the reply comment deadline: the Consumer Federation of America; Alliance for Community Media; American Library Association; Benton Foundation; Center for Media Information; Consortium for School Networking; National Education Association; National School Boards Association; People for the American Way Action Fund; United Church of Christ, Office of Communications; and United States Catholic Conference. However, the Order extends the comment period until April 12, 1996 and the reply comment period until May 7, 1996 for all interested parties.

Federal Communications Commission.

Kenneth P. Moran,

*Chief, Accounting and Audits Division, Common Carrier Bureau.*

[FR Doc. 96-8536 Filed 4-2-96; 4:21 pm]

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#### DEPARTMENT OF TRANSPORTATION

##### Surface Transportation Board

##### 49 CFR Part 1002

[STB Ex Parte No. 542]

#### Regulations Governing Fees for Services Performed In Connection With Licensing and Related Services—1996 Update

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of proposed rulemaking.