

SUMMARY: The Coast Guard announces the availability of MOC Policy Letter No. 3-98 which updates Coast Guard drydock extension policy for passenger vessels that operate exclusively in benign environments. Upon completion of a comprehensive hull survey process, these passenger vessels, which pose a relatively low risk of hull failure, may obtain a drydock extension of up to 30 months.

DATES: This policy is effective March 5, 1998.

ADDRESSES: The Docket Management Facility, U.S. Department of Transportation, Room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001, maintains the public docket for this notice. Documents indicated in this notice will be available for inspection or copying at room PL-401, located on the Plaza Level of the Nassif Building, at the above address between 9:30 a.m. and 5 p.m. Monday through Friday, except Federal Holidays. The public docket can also be accessed via the internet at: <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Paulette Twine, Chief, Documentary Services Division, Department of Transportation, telephone 202-366-9329, for questions on the docket; or Lt. Brian Willis, Commandant (G-MOC), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, telephone 202-267-6700 for questions on this notice.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Coast Guard has recognized a growing need to consider risk when addressing the needs and concerns of the passenger vessel industry. Some passenger vessels must travel over 1,000 river miles to find a drydock facility to accommodate them while others, because they are land-locked, would have to build a drydock on site to satisfy Coast Guard hull examination requirements. The majority of the vessels faced with these problems are operated in benign, low-risk environments; i.e. fresh water, near-shore and/or shallow water, mud-bottom rivers, limited routes, and

limited time underway. These low-risk operating conditions, coupled with the use of improved underwater hull examination technologies, enable the Coast Guard to consider drydock extensions beyond the traditional one-year limit. Altogether, these factors make it safe and reasonable to allow drydock extensions of up to 30 months.

MOC Policy Letter No. 3-98, entitled "Drydock Extensions for Certain Passenger Vessels", establishes the criteria for obtaining drydock extensions of up to 30 months for qualified passenger vessels. The policy letter presents specific eligibility criteria, outlines application requirements, and provides detailed criteria for the requisite in-water hull survey. The policy will be implemented by the granting of appropriate extensions through the cognizant OCMI to the Commandant (G-MOC). Please refer to the policy letter for information on requests for extensions.

Coast Guard authority for issuing drydock extensions for passenger vessels is given under Title 46, Code of Federal Regulations, §§ 71.50-36(f), 115.670, and 176.670 for vessels inspected under Subchapters H, K, and T respectively. Until a regulatory project can be completed on this matter, the guidelines presented in this policy letter shall be used by the Coast Guard and affected members of the passenger vessel industry when considering drydock extension requests for these vessels. A notice of proposed rulemaking (NPRM) that incorporates this policy will be published in the **Federal Register** in the near future. This NPRM will also address possible alternatives to traditional hull examination requirements for all passenger vessels. Because a regulatory project is being developed, the Coast Guard is not requesting comments on this notice.

MOC Policy Letter No. 3-98 is available on the Internet in the DMS Docket as mentioned under **ADDRESSES** or on the World Wide Web at: <http://www.uscg.mil/hq/g-m/gmhome.htm> in "Publications, Reports and Forms". Paper copies will soon be available for a nominal fee through the National Technical Information Service, 5285

Port Royal Road, Springfield, VA 22161, telephone 703-605-6000; or fax 703-321-8547.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104-121], the Coast Guard wants to assist small entities in understanding this policy so that they can better evaluate how this policy may affect them. If you have questions concerning this notice of policy, please consult the Coast Guard point of contact: Lt. Brian Willis, Commandant, (G-MOC), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, telephone 202-267-2735.

Dated: February 26, 1998.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 101

[WT Docket No. 94-148 and CC Docket No. 93-2; DA 98-349]

Conditional Authorization Authority to Common Carrier and Private Operational Fixed Microwave Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends § 101.31 of the fixed microwave service rules to provide for conditional authority in the 10.6-10.68 GHz band ("10 GHz band") under certain circumstances. The effect of this rule is that licensees will be able to provide service in the 10 GHz band in an expedited manner and will have greater flexibility in coordinating and consolidating construction efforts. This action eliminates a source of regulatory delay and will allow for more rapid delivery of 10 GHz band microwave services to the marketplace.

EFFECTIVE DATE: March 5, 1998.

FOR FURTHER INFORMATION CONTACT: Shaun Maher of the Commission's Wireless Telecommunications Bureau at (202) 418-0680.

SUPPLEMENTARY INFORMATION:

1. This is a summary of the Commission's *Order* to modify § 101.31(e) of the Commission's rules to provide for conditional authorization in the 10.6–10.68 GHz band ("10 GHz band") under certain circumstances.

2. On February 8, 1996, the Commission adopted its *Report and Order* in WT Docket No. 94–148, (61 FR 26670, May 28, 1996) in which it simplified and consolidated its rules for the common carrier and private operational fixed microwave services and, among other things, extended conditional authorization authority to both common carrier and private operational fixed microwave services generally, with a few limited exceptions. This allowed fixed microwave licensees to construct and begin operating their facilities prior to receiving an authorization. This conditional authorization authority was not made available for: (1) The 10 GHz band, (2) the 17.7–19.7 GHz band in the states of Colorado, Maryland, and Virginia and the District of Columbia, and (3) the 21.2–23.6 GHz band ("23 GHz band") for operations with an effective radiated power (ERP) greater than 55 dBm. These bands are allocated for both Government and non-Government users and, as a result, these frequencies are subject to coordination between the Commission and the National Telecommunications and Information Administration (NTIA). In the *Report and Order*, the Commission delegated authority to its Wireless Telecommunications Bureau (WTB) and its Office of Engineering and Technology (OET) to modify the rule regarding conditional authorization, if appropriate, once the Commission and NTIA reached an agreement regarding coordination of these frequencies.

3. On January 21, 1998, the Commission reached agreement with NTIA and received a Memorandum

from NTIA concerning conditional authorization in the 10 GHz band which lists specific geographic locations where prior coordination with NTIA will be required before grant of FCC authorizations covering non-Government operations in the 10 GHz band. The NTIA Memorandum states that, for non-Government facilities only operating outside these geographic areas, coordination with NTIA will not be necessary. In addition, NTIA requests that the appropriate revisions be made to the Commission's rules to reflect the coordination requirements set forth in its Memorandum.

4. We hereby modify § 101.31 of the Commission's rules to permit conditional authorization in the 10 GHz band under the specific circumstances stated in the NTIA Memorandum. Entities will have conditional authorization authority for operations in the 10 GHz band in areas other than those specified in the NTIA Memorandum. Under this conditional authorization procedure, an applicant for the 10 GHz band will be allowed to operate while its formal license application(s) is being processed provided that it certifies that the following conditions are satisfied: (1) It has successfully completed the frequency coordination process pursuant to § 101.103(d) of the Commission's rules; (2) the station's operation will have no significant environmental impact; (3) grant of the application does not require a waiver of the Commission's rules; (4) the proposed facilities do not lie within 56.3 kilometers of any international border; (5) the antenna structure(s) has been previously studied by the Federal Aviation Administration (FAA) and determined to pose no hazard to aviation safety as required by subpart B of part 17 of the Commission's rules; or, if not previously studied by the FAA and cleared by the FCC, the antenna or tower structure does not exceed 6.1 meters above ground level or above an existing man-made structure (other than an antenna structure); and (6) the filed application is consistent with the

proposal that was coordinated pursuant to § 101.103 of the Commission's rules. However, an applicant operating under such conditional authorization must cease operation immediately upon notification by the Commission if, for example, it is determined that the applicant has not met the above-outlined criteria.

5. Accordingly, the Commission's rules *Are Hereby Modified* as set forth in the final rules, effective upon publication of this *Order* in the **Federal Register**.

6. This action is taken pursuant to delegated authority under §§ 0.331 and 0.241 of the Commission's Rules, 47 CFR 0.331 and 0.241, and pursuant to the *Report and Order* in WT Docket No. 94–148.

List of Subjects in 47 CFR Part 101

Communications equipment, Radio.

Federal Communications Commission.

Daniel B. Phythyon,

Chief, Wireless Telecommunications Bureau.

Richard M. Smith,

Chief, Office of Engineering and Technology.

Rule Changes

Part 101 of title 47 of the Code of Federal Regulations is amended as follows:

PART 101—FIXED MICROWAVE SERVICES

1. The authority citation for Part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

2. Section 101.31 is amended by revising paragraphs (e)(1)(vi) and (vii) and adding a new paragraph (viii) to read:

§ 101.31 Special temporary, temporary, and conditional authorizations.

* * * * *

(e) *Conditional authorization.*

(1) * * *

(vi) If operated on frequencies in the 10.6–10.68 GHz band, the station site does not lie within any of the following regions:

Name of region	Dimensions=radius in kilometers	Center-point
Kitt Peak, Arizona	60	N31-57-22; W111-36-42
Big Pine, California	60	N37-13-54; W118-16-34
Vandenberg AFB, California	75	N34-43-00; W120-34-00
Denver, Colorado	150	N39-43-00; W104-46-00
Washington, DC	150	N38-48-00; W76-52-00
Eglin AFB, Florida	50	N30-29-00; W86-32-00
Mauna Kea, Hawaii	60	N19-48-16; W155-27-29
North Liberty, Iowa	60	N41-46-17; W91-34-26
Maryland Point, Maryland	60	N38-22-26; W77-14-00
Hancock, New Hampshire	60	N42-56-01; W71-59-12
Los Alamos, New Mexico	60	N35-46-30; W106-14-42
Pie Town, New Mexico	60	N34-18-04; W108-07-07
Socorro, New Mexico	160	N34-04-43; W107-37-04
WSMR, New Mexico	75	N32-23-00; W106-29-00
Minot AFB, North Dakota	80	N48-15-00; W101-17-00
Arecibo, Puerto Rico	160	N18-20-37; W66-45-11
Fort Davis, Texas	60	N30-38-06; W103-56-39
St. Croix, Virgin Islands	60	N17-45-31; W64-35-03
Brewster, Washington	60	N48-07-53; W119-40-55
Green Bank, West Virginia	160	N38-25-59; W79-50-24

(vii) The filed application(s) does not propose to operate in the 21.2-23.6 GHz band with an E.R.P. greater than 55 dBm pursuant to § 101.147(s); and

(viii) The filed application(s) is consistent with the proposal that was coordinated pursuant to § 101.103.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 101

[ET Docket No. 95-183; PP Docket No. 93-253; FCC 97-391]

Service and Auction Rules for the 38.6-40.0 GHz Frequency Band; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects portions of the Commission's rules that were published in the **Federal Register** of February 6, 1998 (63 FR 6079).

DATES: Effective on March 5, 1998.

FOR FURTHER INFORMATION CONTACT: Christina Eads Clearwater, Auctions and Industry Analysis Division, 202-418-0660.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document amending part 101 of the Commission's rules in the **Federal Register** of February 6, 1998 (63 FR 6079). This document corrects 47 CFR 1.2102 and 47 CFR 101.1209(c) as they appeared in the **Federal Register** of February 6, 1998. In rule FR Doc. 98-1731, published on February 6, 1998 (63 FR 6079), make the following corrections:

§ 1.2102 [Corrected]

1. On page 6103, in the first column, § 1.2102 is corrected to read as follows:

(a) Mutually exclusive initial applications are subject to competitive bidding.

(b) The following types of license applications are not subject to competitive bidding procedures:

(1) Public safety radio services, including private internal radio services used by state and local governments and non-government entities and including emergency road services provided by not-for-profit organizations, that