

one that qualified as a small business entity. We conclude that the number of geographic area WCS licensees affected includes these eight entities.

IV. Description of Proposed Reporting, Recordkeeping, and Other Compliance Requirements

30. The proposals under consideration in the NPRM would reduce the reporting and recordkeeping requirements on telecommunications service providers regulated under the Communications Act. The Commission proposes to reduce regulatory burdens imposed by the existing multiple filing requirements by combining current contributor reporting worksheets into one unified Telecommunications Reporting Worksheet. In addition, the Commission seeks to further reduce carrier filing burdens by allowing carriers to use the proposed Telecommunications Reporting Worksheet to designate agents for service of process pursuant to section 413 of the Communications Act of 1934, as amended,⁵⁴ as well as to satisfy the reporting requirements of section 43.21 of our rules.⁵⁵ Should the Commission adopt these proposals, we expect that telecommunications service providers would experience a significant reduction in reporting, recordkeeping, and other compliance burdens.

V. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

31. The impact of this proceeding should be beneficial to small businesses because the proposals set out in the NPRM would reduce the reporting or recordkeeping requirements on all communications common carriers. As noted above in the NPRM,⁵⁶ we seek comment on the desirability of this proposal and ask commenters to indicate whether a unified worksheet would reduce regulatory and administrative burden on reporting carriers. Alternatively, we ask commenters to indicate whether there might be any class of contributors whose burden would be increased by the unified worksheet.⁵⁷

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

32. None.

[FR Doc. 98-27060 Filed 10-7-98; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 25

[IB Docket No. 98-172; FCC 98-235]

Redesignation of the 18 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the Ka-band, and the Allocation of Additional Spectrum for Broadcast Satellite Service Use

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this Notice of Proposed Rulemaking (NPRM) the Commission proposes redesignation of the 17.7-19.7 GHz band; blanket licensing procedures for satellite earth stations in the Ka-band (17.7-20.2 GHz, space-to-Earth transmit frequencies and 27.5-30.0 GHz, Earth-to-space transmit frequencies); and the allocation of additional spectrum for the Broadcast Satellite Service (BSS) in the 17.3-17.8 GHz and 24.75-25.25 GHz frequency bands. The proposed redesignation of the 17.7-19.7 GHz band will separate terrestrial fixed service and fixed satellite service operations and allow for more efficient use of this spectrum. We believe that blanket licensing will provide a fast and efficient means for licensing the large numbers of Ka-band satellite earth stations expected to be deployed. Finally, the proposed BSS allocation will conform our domestic allocation to the International Telecommunication Union ("ITU") Region 2 BSS allocation and will provide additional spectrum for direct-to-home video services.

DATES: Comments are due on or before November 5, 1998, and reply comments are due on or before December 7, 1998.

Written comments by the public on the proposed information collections are due on or before November 5, 1998. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collections on or before December 7, 1998.

ADDRESSES: Office of the Secretary, Room 222, Federal Communications Commission, 1919 M Street, N.W., Washington, DC 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, DC 20554, or via the Internet to jboley@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236

NEOB, 725-17th Street, N.W., Washington, DC 20503 or via the Internet to fain_t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Charles Magnuson, Planning and Negotiation Division, International Bureau, (202) 418-2159. For further information concerning the information collections contained in this NPRM contact Judy Boley at (202) 418-0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's NPRM, (FCC 98-235) adopted September 17, 1998, and released September 18, 1998. The complete text of this Commission action, including the proposed rules, is available for inspection and copying during the weekday hours of 9 a.m. and 4:30 p.m. in the Commissions Reference Center, Room 239, 1919 M Street, N.W., Washington, DC, or copies may be purchased from the Commission's duplicating contractor, ITS, Inc., 2131 M Street, N.W., Washington, DC 20036, phone (202) 857-3800. The complete text is also available under the file name fcc98235.txt or fcc98235.wp on the Commission's internet site at <http://www.fcc.gov/Bureaus/International/Notices/1998>.

To file formally in this proceeding, comments can be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings (63 FR 24121, May 1, 1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties may also choose to file comments by paper. To file by paper, parties must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional

⁵⁴ 47 USC 413.

⁵⁵ 47 CFR 43.21(c). The Commission's rules are codified at Title 47 of the Code of Federal Regulations. 47 CFR 0.1 *et seq.*

⁵⁶ See NPRM at ¶ 19, *supra*.

⁵⁷ See NPRM at ¶ 20, *supra*.

copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 1919 M St. N.W., Room 222, Washington, D.C. 20554.

Paperwork Reduction Act

This NPRM contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law No. 104-13. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due December 7, 1998. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060-XXXX.

Title: Annual Reporting Requirement for Blanket Licensing of Ka-band Satellite Earth Stations.

Form No.: Not applicable.

Type of Review: New Collection for Annual Reporting.

Respondents: Businesses or other for profit.

Number of Respondents: 15.

Estimated Time Per Response: 1 hour for annual reporting.

Total Annual Burden: 15 hours.

Estimated costs per respondent: \$150.

Needs and Uses: The annual reporting requirement is needed to evaluate the rollout of new satellite services. This will enable the Commission to determine if Ka-band spectrum is being effectively utilized.

Synopsis of the Notice of Proposed Rulemaking

1. We propose to provide primary designations for: (1) terrestrial fixed services use in the 17.7–18.3 GHz band; (2) Geostationary Orbit Fixed Satellite Service ("GSO/FSS") use in the 18.3–18.55 GHz band; and, (3) Non-Geostationary Orbit Fixed Satellite Service ("NGSO/FSS") use in the 18.8–19.3 GHz band. We propose to retain the

co-primary designations for: (1) terrestrial fixed service use and GSO/FSS use in the 18.55–18.8 GHz band; and, (2) terrestrial fixed service use and Mobile Satellite Service Feeder Link ("MSS/FL") use in the 19.3–19.7 GHz band. We request comment on this proposed band plan, as well as on possible modifications to the proposal that would allow continued sharing in additional portions of the 17.7–19.7 GHz band. We also seek comment on whether there is any means by which terrestrial fixed service and FSS could feasibly continue to share the entire band.

2. We also propose to grandfather terrestrial fixed service operations that have been licensed or for which applications are pending, as of the release date of this NPRM, for any band that is proposed to be designated for fixed satellite service use on a primary basis. Under this proposal, new terrestrial fixed service applications could continue to be filed and granted after the release date, but the licensees would have only secondary status in those bands designated for fixed satellite service use on a primary basis. We also request comment on the need to allow relocation of existing terrestrial fixed service operations if satellite operators are unable to design their systems to avoid interference from such operations. In addition, we request comment on what relocation procedures should be used. As an exception to the preceding discussion on grandfathering, we propose to continue licensing low power point-to-multipoint terrestrial fixed systems in the 18.82–18.87 GHz and 18.16–19.21 GHz bands on a primary basis. Since these systems are limited to an equivalent isotropically radiated power of 1 watt, we do not anticipate that the operation of these systems will cause interference to FSS earth station operations.

3. In addition, we propose a blanket licensing procedure that would allow Ka-band FSS satellite earth stations to operate under a single system license in bands that are designated for their primary use. Thus, we propose to allow blanket licensing of GSO/FSS satellite earth stations in the existing GSO/FSS bands, 19.7–20.2 GHz, 28.35–28.6 GHz, and 29.5–30 GHz and, in conjunction with our proposed band, the 18.3–18.55 GHz band. In addition, we propose to allow blanket licensing of NGSO/FSS earth stations in the 18.8–19.3 GHz and 28.6–29.1 GHz bands. We believe that blanket licensing will provide a fast and efficient means for licensing the large numbers of small antenna FSS earth stations expected to be deployed.

4. Finally, we propose to allocate additional spectrum for the Broadcast Satellite Service ("BSS") and we propose to conform this allocation to the International Telecommunication Union ("ITU") Region 2 BSS allocation. Specifically, we propose to allocate the 17.3–17.8 GHz band to BSS; to allocate the 24.75–25.25 GHz band to Fixed Satellite Service ("FSS") for BSS feeder link use; and to implement these allocations effective April 1, 2007. These proposed allocations will provide additional spectrum for direct-to-home video services. This increased amount of spectrum should allow BSS operators to offer an increased variety of programming and services which would enhance competition in the multichannel video programming market. We address the BSS allocation in this proceeding because part of the spectrum allocated (17.7–17.8 GHz) is also involved in our band redesignation plan.

5. We note that United States Government systems are authorized to operate in the 17.8–20.2 GHz band in accordance with footnote US334 in the United States Table of Frequency Allocations. This NPRM concerns only non-Government operations; coordination between Government and non-Government operations will continue to remain in effect.

6. On December 23, 1996, Lockheed Martin Corporation, AT&T Corp., Hughes Communications, Inc., Loral Space & Communications Ltd., and GE American Communications, Inc. ("Petitioners") filed a joint Petition for Rulemaking proposing blanket licensing for GSO/FSS earth stations operating in certain portions of the Ka-band. On January 16, 1997, the Commission placed the petition on Public Notice and assigned it rulemaking number RM-9005. Teledesic Corporation, licensee of a NGSO/FSS system in the Ka-band, filed comments supporting the petition and proposed that the rulemaking proceeding be expanded to include blanket licensing for all types of satellite earth stations in the Ka-band, including NGSO/FSS earth stations. On September 5, 1997, the Commission issued a Public Notice requesting comments on issues raised by the petition and to refresh the record.

7. On June 5, 1997, DIRECTV Enterprises, Inc., ("DIRECTV") filed a Petition for Rulemaking proposing to reallocate the 24.75–25.25 GHz band to FSS for BSS feeder link use and the 17.3–17.8 GHz band to BSS for its downlinks. In addition, DIRECTV requested that the Commission adopt a 4.5° orbital spacing policy in licensing BSS space stations to operate in the

17.3–17.8 GHz and 24.75–25.25 GHz bands. On July 1, 1997, the Commission placed this petition on public notice and assigned it rulemaking number RM–9118. We address the DIRECTV petition in this rulemaking due to the potential impact of the proposed band plan on a BSS downlink allocation at 17.7–17.8 GHz.

Initial Regulatory Flexibility Analysis

8. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Notice of Proposed Rulemaking. See 5 U.S.C. § 603. The RFA, see, 5 U.S.C. 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law No. 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Notice of Proposed Rulemaking provided. The Commission will send a copy of the Notice of Proposed Rulemaking, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. See 5 U.S.C. 603(a).

A. Need for, and Objectives of, the Proposed Rules

9. This rulemaking proceeding is being initiated to obtain comment and develop a record on certain proposals in the 17.7–20.2 GHz and 27.5–30.0 GHz frequency bands. Specifically, this Notice proposes to redesignate the 17.7–19.7 GHz frequency band to designate for use separate band segments for terrestrial fixed service and fixed satellite services and establish service rules for “blanket licensing” of the satellite services in the 17.7–20.2 GHz and 27.5–30.0 GHz bands. We are also seeking comments on proposals for sharing of the 17.7–19.7 GHz frequency band. The Commission seeks to develop a blanket license procedure for the implementation of Ka-band satellite systems. In addition, this rulemaking proceeding is being initiated to obtain comment and develop a record on the proposed Allocation of additional spectrum in the 17.3–17.8 GHz and 24.75–25.25 GHz band to accommodate BSS operations.

B. Legal Basis

10. The proposed action is authorized under Sections 1, 4(i), 4(j), 301, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 301, and 303.

C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules May Apply

11. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 603(b)(3). The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” 5 U.S.C. 601(6). In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. 5 U.S.C. 601(3) (incorporating by reference the definition of “small business concern” in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.” 5 U.S.C. 601(3). A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Small Business Act, 15 U.S.C. 632 (1996). A small organization is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.” 5 U.S.C. 601(4). “Small governmental jurisdiction” generally means “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.” 5 U.S.C. 601(5). Below, we further describe and estimate the number of small entity licensees that may be affected by the proposed rules, if adopted.

12. The SBA has developed a definition of small entities for cable and other pay television services, which includes all such companies generating \$11 million or less in revenue annually. This definition includes cable systems operators, closed circuit television services, direct broadcast satellite services, multipoint distribution systems, satellite master antenna

systems and subscription television services. The Commission has developed its own definition of a small cable system operator for the purposes of rate regulation. Under the Commission’s Rules, a “small cable company,” is one serving fewer than 400,000 subscribers nationwide. The Communications Act also contains a definition of a small cable system operator, which is “a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000.”

International Services

13. The Commission has not developed a definition of small entities applicable to licensees in the international services. Therefore, the applicable definition of small entity is generally the definition under the SBA rules applicable to Communications Services, Not Elsewhere Classified (NEC). An exception is the Direct Broadcast Satellite (DBS) Service. This definition provides that a small entity is expressed as one with \$11.0 million or less in annual receipts. 13 CFR 120.121, SIC code 4899.

14. Currently there are no authorized fixed satellite transmit/receive earth stations authorized for use in the 17.7–20.2 GHz band. However, with 13 GSO/FSS licensees and 1 NGSO/FSS licensee we expect FSS earth stations to appear in the near future. There are two Mobile Satellite Earth Station Feeder Link licensees. Commission records reveal that there are 13 space station licensees in the Ka-band. There are three Non-Geostationary Space Station licensees, of which only one system is operational. Direct Broadcast Satellites, because DBS provides subscription services, DBS falls within the SBA definition of Cable and Other Pay Television Services (SIC 4841). This definition provides that a small entity is expressed as one with \$11.0 million or less in annual receipts. As of December 1996, there were eight DBS licensees. Auxiliary, Special Broadcast and other program distribution services. This service involves a variety of transmitters, generally used to relay broadcast programming to the public (through translator and booster stations) or within the program distribution chain (from a remote news gathering unit back to the station). The Commission has not developed a definition of small entities applicable to broadcast auxiliary licensees. Therefore, the applicable definition of small entity is the

definition under the Small Business Administration (SBA) rules applicable to radio broadcasting stations (SIC 4832) and television broadcasting stations (SIC 4833). These definitions provide, respectively, that a small entity is one with either \$5.0 million or less in annual receipts or \$10.5 million in annual receipts. 13 CFR 121.201, SIC CODES 4832 and 4833. Microwave services includes common carrier, private operational fixed, and broadcast auxiliary radio services. Inasmuch as the Commission has not yet defined a small business with respect to microwave services, we will utilize the SBA's definition applicable to radiotelephone companies—i.e., an entity with no more than 1,500 persons. 13 CFR 121.201, SIC CODE 4812. We estimate, for this purpose, that all of the Fixed Microwave licensees (excluding broadcast auxiliary licensees) would qualify as small entities under the SBA definition for radiotelephone companies.

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

15. The Commission's existing rules in Part 25 on FSS operations contain reporting requirements for FSS systems, and we propose to modify these reporting requirements to eliminate duplicative costs of filing multiple applications. In addition, we propose to add an annual reporting requirement to indicate the number of satellite earth stations actually brought into service. The proposed blanket licensing procedures do not affect small entities disproportionately and it is likely no additional outside professional skills are required to complete the annual report indicating the number small antenna earth stations actually brought into service. We seek comment on these proposed changes.

E. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

16. This Notice solicits comment on several alternatives for spectrum sharing, blanket licensing, and band segmentation. This item should positively impact both large and small businesses by providing a faster, more efficient, and less economically burdensome coordination and licensing procedure. The proposed blanket licensing service rules provide for consolidation of licensing for small antenna earth stations, a simplification of compliance procedures, and one new minor annual reporting requirement which indicates the number of satellite

earth stations brought into service in the last year.

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

17. None.

Ordering Clauses

18. Accordingly, it is ordered that pursuant to the authority contained in Sections 1, 4(i), 4(j), 301, 303, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 301, 303 and 403, a Notice of Proposed Rulemaking, as described in the complete text of FCC 98-235, is adopted.

19. It is further ordered that the Petition filed by Lockheed Martin Corporation, et al., is granted to the extent indicated in the complete text of the NPRM and otherwise denied.

20. It is further ordered that the Petition filed by DIRECTV Enterprises, Inc. is granted to the extent indicated in the complete text of the NPRM and otherwise denied.

21. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 25

Reporting and recordkeeping requirements, Satellites.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

Rule Changes

Part 25 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 25—SATELLITE COMMUNICATIONS

1. The authority citation for Part 25 continues to read as follows:

Authority: 47 U.S.C. 701-744. Interprets or applies sec. 303, 47 U.S.C. 303. 47 U.S.C. sections 154, 301, 302, 303, 307, 309 and 332, unless otherwise noted.

2. Section 25.115 is amended by adding a new paragraph (e) to read as follows:

§ 25.115 Application for earth station authorizations.

* * * * *

(e) Geostationary fixed-satellite service earth stations operating in the 18.3-18.55 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz, and 29.5-30 GHz bands need

not be individually licensed.

Applications to license small antennas may be filed on FCC Form 312, Main Form and Schedule B, and specifying the number of units to be covered by the blanket license. Each application for a blanket license under this section shall conform to the requirements specified in § 25.138.

3. A new § 25.138 is added to read as follows:

§ 25.138 Licensing provisions for geostationary fixed-satellite service earth stations operating in the 18.3-18.55 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz, and 29.5-30.0 GHz bands.

(a) All applications for geostationary fixed-satellite service earth station licenses operating in the 18.3-18.55 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz and 29.5-30 GHz bands will be routinely processed provided the following criteria are met:

(1) Emissions from associated geostationary space stations shall operate with a maximum downlink power flux density at the Earth's surface as specified in § 25.208.

(2) In the plane of the geostationary satellite orbit as it appears at the particular earth station location, the uplink EIRP density of any earth station antenna operating in the 28.35-28.6 GHz or 29.5-30 GHz band under clear sky conditions shall lie below the envelope defined below:

35-25 log₁₀(Θ) dBW/MHz 1° ≤ Θ ≤ 7°
13.9 dBW/MHz 7° < Θ ≤ 9.2°
38-25 log₁₀(Θ) dBW/MHz 9.2° < Θ ≤ 48°

-4 dBW/MHz 48° < Θ ≤ 180°

where Θ is the angle, in degrees, from the axis of the main lobe. For the purposes of this section, the peak EIRP density of an individual sidelobe may not exceed the envelope defined above for Θ between 1° and 7°. for Θ greater than 7°, the envelope may be exceeded by no more than 10% of the side lobes, provided that no individual sidelobe exceeds the EIRP density envelope given above by more than 3 dB.

(3) In all other directions, or in the plane of the horizon including any out-of-plane potential terrestrial interference paths:

(i) Outside the main beam, the uplink EIRP density under clear sky conditions shall lie below the envelope defined by:
38-25 log₁₀(Θ) dBW/MHz 1° ≤ Θ ≤ 48°
-4 dBW/MHz 48° < Θ ≤ 180°

(ii) For the purposes of this section, the envelope may be exceeded by no more than 10% of the sidelobes provided no individual sidelobe exceeds the EIRP density envelope by more than 6 dB. The region of the main

reflector spillover energy is to be interpreted as a single lobe and shall not exceed the envelope by more than 6 dB.

(b) Applicants for earth station licenses in the fixed-satellite service, proposing to operate with maximum downlink PFD values or maximum uplink EIRP densities in excess of the threshold values defined by paragraph (a) of this section, shall bear the burden of coordinating with any applicants or licensees whose satellite or proposed compliant earth station, as defined by paragraph (a) of this section, is potentially or actually adversely affected by the operation of the non-compliant licensee. Applicants shall provide proof by affidavit that all potentially affected parties acknowledge and do not object to the use of the applicant's higher power density.

(c) Applicants for earth station licensing authorization shall submit a technical description of how they will comply with the requirement for uplink automatic power control or other methods of fade compensation, as specified in § 25.204(f).

(d) Licensees shall notify the Commission in writing on a yearly basis, specifying the number of earth stations actually brought into service.

4. Section 25.208 is amended by revising paragraph (c) introductory text and by adding a new paragraph (d) to read as follows:

§ 25.208 [Amended]

* * * * *

(c) In the 17.70–18.30 GHz, 18.55–19.70 GHz, 22.55–23.00 GHz, 23.00–23.55 GHz, and 24.45–24.75 GHz frequency bands, the power flux density at the Earth's surface produced by emissions from a space station for all conditions and for all methods of modulation shall not exceed the following values:

* * * * *

(d) In the 18.30–18.55 GHz and 19.7–20.2 GHz frequency bands, the power flux density at the Earth's surface produced by emissions from a space station for all conditions and for all methods of modulation shall not exceed –120 dBW/m²/MHz averaged over any contiguous 40 MHz band segment, and –118 dB (W/m²) in any 1 MHz band, for all angles of arrival.

[FR Doc. 98–26994 Filed 10–7–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 229, 231, and 232

[FRA Docket No. PB–9; Notice No. 14]

RIN 2130–AB16

Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of Public Hearings and Technical Conference.

SUMMARY: By notice of proposed rulemaking (NPRM) published on September 9, 1998 (63 FR 48294), FRA proposed revisions to the regulations governing the power braking systems and equipment used in freight and other non-passenger railroad train operations. In that proposed rule, FRA announced that it would schedule two public hearings and one technical conference to allow interested parties the opportunity to comment on issues addressed in the NPRM. This document announces the public hearings and technical conference.

DATES: (1) *Public Hearings:* Two public hearings will be held on the dates and at the locations listed below to provide interested parties the opportunity to comment on the proposed revisions contained in the NPRM. The dates of the public hearings are as follows:

Monday, October 26, 1998 at 9:00 a.m. in Kansas City, Missouri.

Friday, November 13, 1998 at 9:30 a.m. in Washington D.C.

(2) *Technical Conference:* A technical conference will be held on Monday, November 23 and Tuesday, November 24, 1998 at 9:00 a.m. near San Francisco, California. The technical conference is intended to provide interested parties the opportunity to comment on the proposed revisions contained in the NPRM and to provide interested parties the ability to specifically discuss various technical issues identified below.

ADDRESSES: (1) *Public Hearings:* Hearings to provide interested parties the opportunity to comment on the proposed revisions contained in the NPRM will be held at these locations:

Kansas City, Missouri: Federal Building, 601 East 12th Street, Room 111, Kansas City, Missouri 64105.

Washington, D.C.: Federal Aviation Administration (FAA) Auditorium, Third Floor, Federal Office Building 10A, 800 Independence Avenue, S.W., Washington, D.C. 20591.

(2) *Technical Conference:* A technical conference will be conducted in the San Francisco area at: Embassy Suites Walnut Creek, 1345 Treat Boulevard, Walnut Creek, California 94596. See **SUPPLEMENTARY INFORMATION** for details.

(3) *Docket Clerk:* Written notification should identify the docket number and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, RCC–10, 400 Seventh Street, Stop 10, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION, CONTACT:

Leon Smith, Deputy Regional Administrator—Region 3, FRA Office of Safety, RRS–14, 400 Seventh Street, S.W., Stop 25, Washington, D.C. 20950 (telephone 404–562–3800), or Thomas Herrmann, Trial Attorney, Office of the Chief Counsel, RCC–10, 400 Seventh Street, S.W., Stop 10, Washington, D.C. 20950 (telephone 202–493–6053).

SUPPLEMENTARY INFORMATION:

Technical Conference

The technical conference will address specific technical issues that might not be addressed in the oral comments presented at the public hearings. These include:

- Issues related to dynamic brakes, particularly the concerns raised in recent recommendations issued by the National Transportation Safety Board (NTSB) and other issues related to safely negotiating heavy grades with loaded, high capacity cars in the consist. See 63 FR 48313–15, NTSB Recommendations R–98–1 through 98–7 (February 25, 1998).
- Issues related to two-way end-of-train devices, such as: bench testing; doubling hills; and heavy grade operations. See 63 FR 48322–23.
- Issues related to the securement of standing equipment. See 63 FR 48331–32.
- Issues related to the performance of brake tests utilizing yard air sources. See 63 FR 48344.
- Issues related to the use and operation of Helper Link devices. See 63 FR 48345.

FRA invites all interested parties to participate in the technical conference. FRA believes that technical discussion from all interested parties will contribute to an effective final regulation. For this conference to be successful, participants should be prepared to discuss, at a minimum, the issues identified above and provide reasonable alternatives. FRA also encourages participants to bring supporting documentation where appropriate.