

wishes to use the home run wiring to receive an alternative service.

(4) The parties shall cooperate to ensure as seamless a transition as possible for the subscriber.

(5) Section 76.802 of our rules regarding the disposition of cable home wiring will continue to apply to the wiring on the subscriber's side of the cable demarcation point.

5. Section 76.805 is proposed to be added to read as follows:

§ 76.805 Access to molding and conduits

An multichannel video service provider ("MVPD") shall be permitted to install one or more home run wires in an existing molding or conduit where:

(a) Sufficient space is present to permit the installation;

(b) The installation will not interfere with the ability of an existing MVPD to provide service; and

(c) The owner of the multiple dwelling unit building does not object to such installation.

[FR Doc. 97-23303 Filed 9-2-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 97-153, RM-8584, RM-8623, RM-8680, RM-8734; FCC 97-239]

Amendments to Part 90 Private Land Mobile Radio Service Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has released a *Notice of Proposed Rule Making* that proposes several amendments to the part 90 Private Land Mobile Radio Services rules. This action was initiated in response to petitions for rulemaking concerning eliminating certain frequency coordination requirements in the Business Radio Service, the transmission of safety alerting signals on Radiolocation Service frequencies, and modifying construction and loading requirements for private, non-Specialized Mobile Radio systems operating in the 800 and 900 MHz bands. The proposed rules will reduce the regulatory burden on licensees, and will promote more efficient and flexible use of the private land mobile radio frequency spectrum. Additionally, comments are requested on potential interference problems resulting from shared use of the 216-217 MHz band under parts 90 and 95 of the rules.

DATES: Comments are due October 3, 1997. Reply comments are due October 17, 1997.

FOR FURTHER INFORMATION CONTACT:

Gene Thomson, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418-0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making (Notice)*, WT Docket No. 97-153, FCC 97-239, adopted July 2, 1997, and released August 25, 1997. The full text of this Notice is available for inspection and copying during normal business hours in the FCC Reference Center, Room 246, 1919 M Street NW., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., 1231 20th St. NW., Washington, DC. 20036, telephone (202) 857-3800.

Summary of Notice of Proposed Rule Making

1. The Commission has released a *Notice of Proposed Rule Making* that proposes several amendments to part 90 of the rules concerning the Private Land Mobile Radio (PLMR) Services.

2. In response to a Petition for Rule Making filed by the Council of Independent Communications Suppliers, (RM-8623), the *Notice* proposes the elimination of frequency coordination requirements for five low-power frequencies in the Business Radio Service.

3. In response to a Petition for Rule Making filed by the Radio Association Defending Airwave Rights, (RM-8734), the *Notice* proposes to permit the transmission of safety alerting signals in the 24.05-24.25 GHz band in the Radiolocation Service. The *Notice* also proposes to extend use of 24.05-24.25 GHz band frequencies to permit traffic light control by emergency vehicles.

4. In response to a Petition for Rule Making filed by the Alliance of 800/900 MHz Licensees, (RM-8584), the *Notice* proposes to modify the construction requirements for private, non-Specialized Mobile Radio systems operating in the 800 and 900 MHz bands. The *Notice* declines to also change the mobile loading and reporting requirements for 800 and 900 MHz non-SMR systems.

5. As requested in a Petition for Rule Making filed jointly by the Industrial Telecommunications Association and the Council of Independent Communications Suppliers, (RM-8680), the *Notice* declines to amend the part 90 and part 13 rules to establish a PLMR

Services Radio Maintainers License and to require persons installing and servicing land mobile radio equipment to have such a license.

6. Additionally, the *Notice* requests comments on potential interference problems resulting from shared use of the 216-217 MHz band under parts 90 and 95 of the rules.

List of Subjects in 47 CFR Part 90

Communications equipment, Radio. Federal Communications Commission.

William F. Caton,
Acting Secretary.

Rule Changes

Part 90 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for part 90 continues to read as follows:

Authority: Secs. 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

2. Section 90.17 is proposed to be amended by revising paragraph (e)(4) to read as follows:

§ 90.17 Local Government Radio Service.

* * * * *

(e) * * *

(4) A licensee of a radio station in this service may operate radio units for the purpose of determining distance, direction, speed, or position by means of a radiolocation device on any frequency available for radiolocation purposes without additional authorization from the Commission, provided type accepted equipment or equipment authorized pursuant to §§ 90.203(b)(4) and (b)(5) is used, and all other rule provisions are satisfied. A licensee in this service may also operate, subject to all of the foregoing conditions and on a secondary basis, radio units at fixed locations and in emergency vehicles that transmit on the frequency 24.10 GHz, both unmodulated continuous wave radio signals and modulated FM digital signals for the purpose of alerting motorists to hazardous driving conditions or the presence of an emergency vehicle. Unattended and continuous operation of such transmitters will be permitted. Additionally, licensees may utilize type accepted equipment operating in the 24.20-24.25 GHz portion of the 24.05-24.25 GHz band for traffic light control purposes without additional authorization and on a secondary basis.

3. Section 90.19 is proposed to be amended by revising paragraph (g)(6) to read as follows:

§ 90.19 Police Radio Service.

* * * * *

(g) * * *

(6) A licensee of a radio station in this service may operate radio units for the purpose of determining distance, direction, speed, or position by means of a radiolocation device on any frequency available for radiolocation purposes without additional authorization from the Commission, provided type accepted equipment or equipment authorized pursuant to §§ 90.203(b)(4) and (b)(5) is used, and all other rule provisions are satisfied. A licensee in this service may also operate, subject to all of the foregoing conditions and on a secondary basis, radio units at fixed locations and in emergency vehicles that transmit on the frequency 24.10 GHz, both unmodulated continuous wave radio signals and modulated FM digital signals for the purpose of alerting motorists to hazardous driving conditions or the presence of an emergency vehicle. Unattended and continuous operation of such transmitters will be permitted. Additionally, licensees may utilize type accepted equipment operating in the 24.20–24.25 GHz portion of the 24.05–24.25 GHz band for traffic light control purposes without additional authorization and on a secondary basis.

4. Section 90.21 is proposed to be amended by revising paragraph (e)(4) to read as follows:

§ 90.21 Fire Radio Service.

* * * * *

(e) * * *

(4) A licensee of a radio station in this service may operate radio units for the purpose of determining distance, direction, speed, or position by means of a radiolocation device on any frequency available for radiolocation purposes without additional authorization from the Commission, provided type accepted equipment or equipment authorized pursuant to §§ 90.203 (b)(4) and (b)(5) is used, and all other rule provisions are satisfied. A licensee in this service may also operate, subject to all of the foregoing conditions and on a secondary basis, radio units at fixed locations and in emergency vehicles that transmit on the frequency 24.10 GHz, both unmodulated continuous wave radio signals and modulated FM digital signals for the purpose of alerting motorists to hazardous driving conditions or the presence of an emergency vehicle. Unattended and continuous operation of

such transmitters will be permitted. Additionally, licensees may utilize type accepted equipment operating in the 24.20–24.25 GHz portion of the 24.05–24.25 GHz band for traffic light control purposes without additional authorization and on a secondary basis.

5. Section 90.23 is proposed to be amended by revising paragraph (e)(3) to read as follows:

§ 90.23 Highway Maintenance Radio Service.

* * * * *

(e) * * *

(3) A licensee of a radio station in this service may operate radio units for the purpose of determining distance, direction, speed, or position by means of a radiolocation device on any frequency available for radiolocation purposes without additional authorization from the Commission, provided type accepted equipment or equipment authorized pursuant to §§ 90.203 (b)(4) and (b)(5) is used, and all other rule provisions are satisfied. A licensee in this service may also operate, subject to all of the foregoing conditions and on a secondary basis, radio units at fixed locations and in emergency vehicles that transmit on the frequency 24.10 GHz, both unmodulated continuous wave radio signals and modulated FM digital signals for the purpose of alerting motorists to hazardous driving conditions or the presence of an emergency vehicle. Unattended and continuous operation of such transmitters will be permitted. Additionally, licensees may utilize type accepted equipment operating in the 24.20–24.25 GHz portion of the 24.05–24.25 GHz band for traffic light control purposes without additional authorization and on a secondary basis.

6. Section 90.25 is proposed to be amended by revising paragraph (e)(3) to read as follows:

§ 90.25 Forestry-Conservation Radio Service.

* * * * *

(e) * * *

(3) A licensee of a radio station in this service may operate radio units for the purpose of determining distance, direction, speed, or position by means of a radiolocation device on any frequency available for radiolocation purposes without additional authorization from the Commission, provided type accepted equipment or equipment authorized pursuant to §§ 90.203 (b)(4) and (b)(5) is used, and all other rule provisions are satisfied. A licensee in this service may also operate, subject to all of the foregoing conditions and on a secondary basis,

radio units at fixed locations and in emergency vehicles that transmit on the frequency 24.10 GHz, both unmodulated continuous wave radio signals and modulated FM digital signals for the purpose of alerting motorists to hazardous driving conditions or the presence of an emergency vehicle. Unattended and continuous operation of such transmitters will be permitted. Additionally, licensees may utilize type accepted equipment operating in the 24.20–24.25 GHz portion of the 24.05–24.25 GHz band for traffic light control purposes without additional authorization and on a secondary basis.

7. Section 90.27 is proposed to be amended by adding paragraph (d) to read as follows:

§ 90.27 Emergency Medical Radio Service.

* * * * *

(d) *Additional frequencies available.*

A licensee of a radio station in this service may operate a radio unit in an emergency vehicle without additional authorization from the Commission and on a secondary basis, that transmits on the frequency 24.10 GHz both an unmodulated continuous wave radio signal and a modulated FM digital signal for the purpose of alerting motorists to the presence of the emergency vehicle. Continuous operation of such transmitters will be permitted. Additionally, licensees may utilize equipment operating in the 24.20–24.25 GHz portion of the 24.05–24.25 GHz band for traffic light control purposes without additional authorization and on a secondary basis. The licensee must utilize type accepted equipment or equipment authorized pursuant to §§ 90.203 (b)(4) and (b)(5), and satisfy all other rule provisions.

8. Section 90.53 is proposed to be amended by adding paragraph (c)(2) to read as follows:

§ 90.53 Frequencies available.

* * * * *

(c) * * *

(2) A licensee of a radio station in this service may operate a radio unit in an emergency vehicle without additional authorization from the Commission and on a secondary basis, that transmits on the frequency 24.10 GHz both an unmodulated continuous wave radio signal and a modulated FM digital signal for the purpose of alerting motorists to the presence of the emergency vehicle. Continuous operation of such transmitters will be permitted. Additionally, licensees may utilize equipment operating in the 24.20–24.25 GHz portion of the 24.05–24.25 GHz band for traffic light control

purposes without additional authorization and on a secondary basis. The licensee must utilize type accepted equipment or equipment authorized pursuant to §§ 90.203 (b)(4) and (b)(5), and satisfy all other rule provisions.

9. Section 90.103 is proposed to be amended by revising paragraph (c)(22) to read as follows:

§ 90.103 Radiolocation Service.

(c) * * *
(22) For frequencies 2455 MHz, 10,525 MHz, and 24,125 MHz, only unmodulated, continuous wave (NON) emission shall be employed. The frequency 24.10 GHz, and frequencies in the 24.20–24.25 GHz band may use NON emission along with an ancillary FM digital emission. The frequency 24.10 GHz will be used for the purpose of alerting motorists of hazardous driving conditions and the presence of emergency vehicles. Frequencies in the 24.20–24.25 MHz band may be used in emergency vehicles for traffic signal control. Equipment operating on 24.10 GHz or in the 24.20–24.25 GHz band must keep the deviation of the FM digital signal within + 5 MHz. Equipment operating on these frequencies must have a frequency stability of at least 2000 ppm and are exempt from the requirements of §§ 90.403(c), 90.403(f), and 90.429.

10. Section 90.175 is proposed to be amended by revising paragraph (i)(5) to read as follows:

§ 90.175 Frequency coordination requirements.

(i) * * *
(5) Applications in the Industrial/Business Pool requesting a frequency designated for itinerant operations, and applications requesting operation on 154.570 MHz, 154.600 MHz, 151.820 MHz, 151.880 MHz, and 151.940 MHz.

11. Section 90.633 is proposed to be amended by revising paragraphs (c) and (d) to read as follows:

§ 90.633 Conventional systems sharing and construction requirements.

(c) Except as provided in § 90.629, licensees of conventional systems must place their authorized stations in operation not later than one year after the date of grant of the system license.

(d) If a station is not placed in operation within one year, except as provided in § 90.629, the license cancels automatically. For purposes of this

section, a base station is not considered to be in operation unless at least one associated mobile station is also in operation.

12. Section 90.651 is proposed to be amended by revising paragraph (c) to read as follows:

§ 90.651 Supplemental reports required of licensees authorized under this subpart.

(c) Licensees of conventional systems must report the number of mobile units placed in operation within twelve months of the date of the grant of their license. Such reports shall be filed within 30 days from that date.

[FR Doc. 97-23301 Filed 9-2-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 082797A]

RIN 0648-AJ55

Fisheries of the Northeastern United States; Amendment 10 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NMFS issues this notice to advise the public that the Mid-Atlantic Fishery Management Council (Council) has submitted Amendment 10 to the Fishery Management Plan for the Summer Flounder, Scup and Black Sea Bass Fisheries (FMP) for Secretarial review and is requesting comments from the public. Amendment 10 proposes new regulations for the summer flounder fishery and would also modify a number of summer flounder regulations implemented under Amendment 2 and later amendments to the FMP. Copies of Amendment 10 may be obtained from the Council (see ADDRESSES).

DATES: Comments must be received on or before November 3, 1997.

ADDRESSES: Send comments to Andrew A. Rosenberg, Ph.D., Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive,

Gloucester, MA 01930-3799. Mark the outside of the envelope "Comments on Amendment 10 to the Summer Flounder Plan."

Copies of Amendment 10, the environmental assessment and the regulatory impact review are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) requires that each fishery management council submit any fishery management plan or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving the plan or amendment, immediately make a preliminary evaluation of the amendment and, if it is sufficient to warrant continued review, publish a notice that the plan or amendment is available for public review and comment. NMFS will consider the public comments in determining whether to approve the plan or amendment.

Amendment 10 proposes new regulations for summer flounder and would also modify a number of existing summer flounder regulations. Amendment 10, if approved, would: Modify the commercial minimum mesh regulations, continue the moratorium on entry of additional commercial vessels, modify the vessel replacement criteria, remove provisions that pertain to the expiration of the moratorium permit, establish a *de minimus* status for states, allow Federally permitted charter/party vessels issued a permit by their state to possess fillets less than the minimum size, and prohibit transfer of summer flounder at sea. Because Amendment 10 has been prepared by both the Council and the Atlantic States Marine Fisheries Commission (Commission), there is an additional management measure in the amendment that would be implemented by the Commission as part of its interstate management process. This measure would require that states document all summer flounder commercial landings in their state.

Amendment 10 reevaluated the state-by-state commercial quota allocation system implemented by Amendment 2. After receiving and considering public