

other users of the radio spectrum without affecting the performance of the UWB systems? Are the existing limits on the amount of energy permitted to be conducted back onto the AC power lines appropriate for UWB devices? What operational restrictions, if any, should be required to protect existing users? Is the use of UWB modulation techniques necessary for certain types of communication systems; if so, for what purposes?

8. *Measurements.* Part 15 references the specific measurement procedure to be employed, the frequency range over which measurements are to be made, and the measurement detector functions and bandwidths to be employed. Comments are requested on whether the peak output level continues to be indicative of the interference potential of a UWB system. Is a pulse desensitization correction factor appropriate for measuring emissions from a UWB device? Should any modifications be made to this measurement procedure for UWB devices? Would another measurement procedure that does not apply a pulse desensitization correction factor be more appropriate for determining the interference potential of a UWB device? The frequency range over which measurements are required to be made depends on the frequency of the fundamental emission. Is the frequency of the fundamental emission readily discernible for UWB devices? Are the current frequency measurement ranges specified in the rules appropriate for UWB devices or should these ranges be modified? Are the measurement detector functions and bandwidths appropriate for UWB devices? Should these standards be modified and, if so, how? Are there any other changes to the measurement procedures that should be applied to UWB devices?

9. *Other matters.* There is a prohibition in the rules against the use of a Class B, damped wave emission. This prohibition stems from a similar International Telecommunication Union regulation and is a throwback to the days when spark gap transmitters were employed. There is no longer a clear definition of a Class B, damped wave emission. Should the prohibition against Class B, damped wave emissions apply to UWB systems or is the prohibition irrelevant, especially in light of the relatively low power levels employed by UWB devices? Comments are invited on any other matters or issues that may be pertinent to the operation of UWB systems.

10. This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted,

except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. See generally 47 CFR 1.1202, 1.1203, and 1.2306(a).

11. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (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 rule making numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rule making 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 rule making 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 including 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.

12. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rule making number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rule making number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of Secretary, Federal Communications Commission, 1919 M St., N.W., Room 222, Washington, D.C. 20554.

13. 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. 154(i), 301, 302, 303(e), 303(f), 303(r), 304, and 307.

#### List of Subjects: 47 CFR Part 15

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 15

[ET Docket 98-156; FCC 98-209]

#### Certification of Equipment in the 24.05-24.25 GHz band at Field Strengths up to 2500 mV/m

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** By this *Notice of Proposed Rulemaking* ("NPRM"), the Federal Communications Commission proposes to amend its rules to allow the operation of fixed point-to-point transmitters in the 24.05-24.25 GHz band at field strengths of up to 2500 mV/m, measured at 3 meters. Devices operating at these field strength levels will be required to use highly directionalized antennas to minimize the possibility of creating harmful interference to other services in the band. This action is taken in response to a *Petition for Rulemaking* ("Petition") filed by Sierra Digital Communications, Inc. ("Sierra").

**DATES:** Comments must be filed on or before December 7, 1998, and reply comments must be filed on or before January 4, 1999.

**ADDRESSES:** Address all comments concerning this proposed rule to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, FCC, 1919 M Street NW., Room 222, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Neal McNeil, Office of Engineering and Technology, (202) 418-2408, TTY (202) 418-2989, e-mail: nmcneil@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rule Making*, ET Docket 98-156, FCC 98-209, adopted August 21, 1998 and released September 1, 1998. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, NW, Washington, DC. The complete text of this document also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

#### Summary of Notice of Proposed Rulemaking

1. Section 15.249 of the Commission's rules, 47 CFR 15.249, permits devices to operate in the 24.00-24.25 GHz band with field strengths up to 250 mV/m. However, in its Petition, Sierra notes

that Section 15.245 permits field disturbance sensors to operate in the central 100 MHz of this band, 24.075–24.175 GHz, with a field strength of up to 2500 mV/m. Sierra requests that the Commission amend Section 15.249 to permit fixed point-to-point operations in the 24.00–24.25 GHz band at a field strength of 2500 mV/m. Under this proposal, peak emission limits would remain unchanged at 2500 mV/m. Sierra proposes that devices operating at this higher limit be required to use antennas with gains of at least 33 dBi. Higher antenna gains would be permitted if transmitter output power is reduced to maintain a maximum field strength of 2500 mV/m. According to Sierra, a directional antenna with a minimum gain of 33 dBi will produce a smaller area of potential interference than an omnidirectional antenna operating at 250 mV/m.

2. We tentatively conclude that the rule changes requested by Sierra will provide additional flexibility to establish point-to-point operations under part 15 and will not pose an increased risk of interference to other users of the spectrum. We observe that Sierra is requesting to operate at the same signal levels that are already permitted for part 15 field disturbance sensors that operate in the 24.075–24.175 GHz band segment. We do not believe that granting Sierra's request will pose any greater risk of interference than these devices. Further, the services operating in the range of frequencies covered by Sierra's request are the same as those that exist in the 24.075–24.175 GHz segment, except for the 24.00–24.05 GHz segment where there is a primary allocation for the Amateur Service and Amateur Satellite Service.

3. The American Radio Relay League, Inc. (ARRL) filed comments in opposition to Sierra's Petition. ARRL objects to the proposal on the basis of potential interference to Amateur operations, particularly Amateur Satellite operations. We do not believe that ARRL has demonstrated that there will be a significant risk of interference to Amateur operations in the 24.05–24.25 GHz band segment. The point-to-point operations proposed by Sierra will still use relatively low powers and will be highly directional. If interference occurs to Amateur operations, it would be relatively simple to identify the source due to the fixed use of the part 15 operations. Furthermore, we believe

that the risk of interference remains substantially less than from industrial, scientific, and medical (ISM) equipment that is permitted to operate in the 24.00–24.25 GHz band without any radiated emissions limits.

4. At the same time, we are concerned that Amateur Satellite operations in the 24.00–24.05 GHz band segment rely on the reception of weak signals. We note that Sierra suggests imposing additional conditions to facilitate sharing the 24.00–24.05 GHz band segment. However, we are not convinced that the conditions suggested by Sierra will provide sufficient protection to amateur satellite operations. Further, it does not appear that disallowing use of the 24.00–24.05 GHz segment would have a significant impact on part 15 point-to-point operations. Therefore, we are not proposing to permit point-to-point operations as requested by Sierra in the 24.00–24.05 GHz segment.

#### Initial Regulatory Flexibility Analysis

5. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected significant economic impact on small entities by the policies and rules proposed in this *Notice of Proposed Rule Making* ("NPRM"). Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM provided above. The Commission shall send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act.

#### A. Reason for Action

6. This rule making proceeding is initiated to obtain comment regarding proposed changes to the regulations for non-licensed transmitters. The Commission seeks to determine if the standards should be amended as sought in the *Petition for Rulemaking* ("Petition") filed by Sierra Digital Communications, Inc.

#### B. Legal Basis

7. The proposed action is taken pursuant to Sections 4(i), 301, 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), and 303(r).

#### C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

8. For the purposes of this NPRM, the RFA defines a "small business" to be the same as a "small business concern" under the Small Business Act, 15 U.S.C. 632, unless the Commission has developed one or more definitions that are appropriate to its activities. See 5 U.S.C. 601(3). Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA). See 15 U.S.C. 632. SBA has defined a small business for Standard Industrial Classification (SIC) category 4812 (Radiotelephone Communications) to be small entities when they have fewer than 1500 employees. See 13 CFR 121.201. Given this definition, nearly all such companies are considered small.

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

9. Part 15 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 regulation adds permissible methods of operation and would not require the modification of any existing products.

#### E. Significant Alternatives to Proposed Rules Which Minimize Significant Economic Impact on Small Entities and Accomplish Stated Objectives

10. None.

#### F. Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rule

11. None.

#### List of Subjects in 47 CFR Part 15

Communications equipment.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

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