

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[CT50-7201a; A-1-FRL-6168-8]

Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; State of Connecticut; Approval of Maintenance Plan, Carbon Monoxide Redesignation Plan and Emissions Inventory for the New Haven-Meriden-Waterbury Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is approving a redesignation request and emissions inventory submitted by the State of Connecticut to redesignate the New Haven-Meriden-Waterbury area to attainment for carbon monoxide. Under the Clean Air Act amendments of 1990 (CAA), designations can be revised if sufficient data is available to warrant such revisions. This revision establishes the area as attainment for carbon monoxide and requires the state to implement their 10 year maintenance plan. In addition, EPA is approving the emissions inventory for carbon monoxide for the New Haven-Meriden-Waterbury area. In the **Federal Register**, EPA is approving the redesignation request as direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposal. If EPA receives adverse comments, the direct final rule will be withdrawn in a timely manner and all public comments received will be addressed in a subsequent final rule based on this proposal. EPA will not institute a second comment period. Any parties interested in commenting on this rule should do so at this time.

DATES: Comments must be received on or before November 4, 1998.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203-2211. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S.

Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106-1630.

FOR FURTHER INFORMATION CONTACT:

Jeffrey S. Butensky, Environmental Planner, Air Quality Planning Unit of the Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203-2211, (617) 565-3583.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the appropriate Section of this **Federal Register**.

Authority: 42 U.S.C. 7401-7671q.

Dated: September 11, 1998.

John P. DeVillars,

Regional Administrator, Region I.

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 1, 22, and 101**

[WT Docket No. 97-81; DA 98-1889]

Multiple Address Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: On September 17, 1998, the Public Safety and Private Wireless Division adopted and released an Order dismissing all pending Multiple Address System (MAS) applications for use of the 932-932.5/941-941.5 MHz bands which were filed in anticipation of the Commission conducting a lottery to license competing applications. The Balanced Budget Act of 1997 terminated the Commission's authority to use lotteries to select among competing mutually exclusive applicants for initial license or construction permits. Applicants will have the opportunity to refile applications for MAS service under new service rules that are fully compliant with the Balanced Budget Act of 1997.

DATES: Effective September 17, 1998. All pending MAS applications for use of the 932-932.5/941-941.5 MHz bands (File Nos. A00001-A50772) were dismissed on September 17, 1998.

ADDRESSES: Federal Communications Commission, 1919 M St., NW., Room 222, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Ronald Quirk or Shellie Blakeney, Wireless Telecommunications Bureau, Public Safety & Private Wireless Division, Policy and Rules Branch, (202) 418-0680, or via E-mail to "rquirk@fcc.gov" or "sblakene@fcc.gov."

SUPPLEMENTARY INFORMATION:

1. The Commission announced by Public Notice that it would open five two-day filing windows in 1992 for license applications proposing to use channels in the 932/941 MHz MAS frequency band. The Commission announced that it would select licensees by lottery if mutually exclusive applications were received. In response to the series of filing windows, over 50,000 applications were submitted.

2. On August 10, 1993, Congress enacted the Omnibus Budget Reconciliation Act of 1993 (1993 Budget Act) which authorized the Commission to select licensees applying for initial license grants or authorizations from among competing applicants by competitive bidding for certain classes of radio licenses. As a result, the Commission commenced a proceeding to examine whether licenses for various radio services should be distributed by competitive bidding.

3. The 1993 Budget Act required that the Commission subject to competitive bidding, those licensees that would receive compensation in exchange for its services. See 47 U.S.C. 309(j)(2)(A) (1993). Hence, in its proceeding implementing the 1993 Budget Act, the Commission determined that the MAS applications should not be subject to competitive bidding because at that time, it was believed that the licenses would be primarily used for private internal communications and not involve subscriber-based services. Subsequently, upon review of the 50,000 applications filed, the Commission determined that its original assumptions regarding MAS may have become inaccurate because most applications reflected that the spectrum would be primarily used for subscriber-based services. As a result, in February 1997, the Commission released a *Notice of Proposed Rule Making (MAS Notice)*, 62 FR 11407 (March 12, 1997), which sought to streamline the MAS service rules, increase technical and operational flexibility for MAS licensees, license most MAS channels by geographic area and award mutually exclusive licenses by competitive bidding. The Commission also proposed to dismiss the pending MAS applications for the 932/941 MHz band without prejudice and to allow refile under whatever

new licensing rules are ultimately adopted.

4. Subsequently, the 1997 Balanced Budget Act (1997 Budget Act) eliminated the Commission's authority to use lotteries (with an exception not relevant to the MAS context) for any license issued after July 1, 1997. The 1997 Budget Act also expanded the Commission's authority—and statutory mandate—to use competitive bidding to select licensees from among mutually exclusive applications for any initial license, with no exceptions for pending mutually exclusive applications. As a result of this Congressional mandate, the Commission was left without authority to process the pending mutually exclusive applications by random selection. Thus, the pending applications are dismissed without prejudice. Applicants will have the

opportunity to refile applications for MAS service under new service rules that are fully compliant with the 1997 Balanced Budget Act.

5. Applicants can apply to the Office of Managing Director of the Federal Communications Commission for a refund of filing fees, pursuant to section 1.1113(a) of the Commission's rules. See 47 CFR 1.1113(a).

6. The full text of the Order is available for inspection and duplication during regular business hours in the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau, Federal Communications Commission, 2025 M Street, NW., Room 8010, Washington, DC 20554. Copies may also be obtained from International Transcription Service, Inc. (ITS), 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects

47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Radio.

47 CFR Part 22

Communications common carriers, Radio.

47 CFR Part 101

Radio.

Federal Communications Commission.

D'wana R. Terry,

Chief, Public Safety & Private Wireless Division, Wireless Telecommunications Bureau

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