

of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 29, 1996.
Brent Wahlquist,
Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T, part 943 of the Code of Federal Regulations is amended as set forth below:

PART 943—TEXAS

1. The authority citation for Part 943 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 943.15 is amended by adding paragraph (m) to read as follows:

§ 943.15 Approval of regulatory program amendments.

* * * * *

(m) The amendment submitted to OSM on December 20, 1995, and as revised on February 14, 1996, is approved effective April 8, 1996.

[FR Doc. 96-8631 Filed 4-5-96; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations; Shams Pahlavi Assets Unblocked; Correction

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendment to the list of persons whose assets are subject to blocking; correction.

SUMMARY: This document contains a correction to a typographical error appearing in a final regulation published Monday, March 4, 1996 [61 FR 8216].

EFFECTIVE DATE: April 5, 1996.

FOR FURTHER INFORMATION CONTACT: Regarding the status of blocked assets, Loren L. Dohm, Blocked Assets Division (tel.: 202/622-2440); regarding legal questions, William B. Hoffman, Chief Counsel (tel.: 202/622-2410); Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

SUPPLEMENTARY INFORMATION:

Background

Section 535.217(b) of the Iranian Assets Control Regulations, 31 CFR part 535, was amended effective March 1, 1996, to reflect changes in the status of litigation brought by Iran against close relatives of the former Shah of Iran

seeking the return of property alleged to belong to Iran. Reference to Shams Pahlavi, sister of the former Shah of Iran, was deleted from § 535.217(b).

Need for Correction

As published, the final regulation contained a typographical error requiring correction.

Correction of Publication

Accordingly, the publication on March 4, 1996, of the final regulation [FR Doc. 96-4899][61 FR 8216] is corrected as follows:

§ 535.217 [Corrected]

On page 8216, in the third column, following paragraph 2., the section number in the title of the section being amended is corrected to read “§ 535.217” rather than “§ 535.201.”

Dated: April 1, 1996.

William B. Hoffman

Chief Counsel, Office of Foreign Assets Control.

[FR Doc. 96-8533 Filed 4-5-96; 8:45 am]

BILLING CODE 4810-25-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 97

[ET Docket No. 93-40; FCC 96-25]

Allocation of the 219-220 MHz Band for Use by the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: By this *Memorandum Opinion and Order (MO&O)*, the Commission addresses the Petition for Reconsideration (Petition), filed by Fred Daniel d/b/a Orion Telecom (Orion). Orion's Petition requests that the Commission rescind the 219-220 MHz allocation to the Amateur Radio Service or, alternatively, modify the rules to provide additional protection for Automated Maritime Telecommunications Systems (AMTS) operations. This *MO&O* affirms the Commission's decision to allocate the 219-220 MHz band to the Amateur Radio Service on a secondary basis; and also amends the amateur rules to reflect the frequency upon which the AMTS stations operate. Finally, the *MO&O* updates and corrects the Table of Frequency Allocations.

EFFECTIVE DATE: May 8, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas P. Derenge (202) 418-2451,

Office of Engineering and Technology, Federal Communications Commission, Washington, DC 20554.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *MO&O* adopted January 25, 1996, and released March 22, 1996. The complete *MO&O* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington DC 20037.

Summary of *MO&O*

1. In its Petition, Orion argues that the Commission should rescind the allocation, even on a secondary basis, of the 219–220 MHz band to the Amateur Radio Service because the exclusion distance of 80 km between AMTS and amateur operations, adopted in the Report and Order (*R&O*), 60 FR 15686, March 27, 1995, is insufficient to protect primary AMTS operations from harmful amateur interference. In denying the petition, the Commission determined that it is appropriate and desirable to provide a secondary allocation for amateur point-to-point fixed digital message forwarding systems at 219–220 MHz. The Commission states that the 80 km exclusion distance, 640 km notification distance, and other interference safeguards adopted in the *R&O* are sufficient to protect AMTS operations from potential interference caused by amateur operations. As stated in the *R&O*, these distances were derived as a result of technical studies and a consensus between the American Radio Relay League, Inc. (ARRL) and Waterway Communications Systems, Inc., an AMTS provider. Additionally, the Commission points out that Orion failed to provide any technical showing that the regulations adopted in the *R&O* are not sufficient to protect AMTS operations from amateur interference.

2. In the event the allocation is not rescinded, Orion requests that the governing rules be amended to provide better protection for AMTS operations. Specifically, it requests that the rules provide interference protection to remote receivers, which may be located several miles from their coast stations. Additionally, Orion requests that the Commission's rules require amateur operations in the 219–220 MHz band to use interference avoidance techniques such as directional antennas, frequency separation, and cross polarization of signals. Orion also states that although the text of the *R&O* provides that

amateurs must immediately either resolve any interference to AMTS licensees or else cease operation, Part 97 failed to include that requirement. Orion argues that amateur equipment used in the 219–220 MHz band should be type accepted in order to ensure that amateur operators use high quality equipment that will not interfere with commercial spectrum users. Additionally, Orion requests that the amateur rules specify the bands of AMTS operation to aid amateur operators in locating AMTS coast stations.

3. Finally, Orion argues that the required notification to AMTS licensees by amateur operators should contain the specific technical parameters of the proposed amateur operation. In particular, Orion states that the notification should include: 1) the center frequency of the proposed amateur channel, 2) the effective radiated power in the direction of the AMTS station, 3) a plot of the horizontal radiation pattern for the proposed antenna, 4) the height of the proposed antenna above ground, 5) the height of the proposed antenna above average terrain, 6) a description of the proposed emission, and 7) a telephone number at which the amateur operator can be reached at any time during the amateur's operation in the band. Orion states that this information is necessary to enable amateurs to evaluate their potential for interference to other operations and is similarly needed by AMTS licensees in the event interference to their operations occur.

4. The *MO&O* states that the rules already in place to protect AMTS coast stations are sufficient to protect remote receivers because coast stations and remote receivers are typically in close proximity to one another. Additionally, once notification is provided to the AMTS licensee, the licensee can easily inform the amateur operator of remote receiver locations. The Commission also states that requiring specific interference avoidance techniques for amateur operations is unnecessary. Instead of requiring amateurs to use specific techniques, amateur operators are permitted the flexibility to use whatever techniques they deem appropriate to avoid interference to AMTS.

5. The Commission concludes that Orion's assertion that Part 97 of the rules does not reflect the requirement specified in the *R&O* that "amateurs will be required to resolve immediately any complaint of interference to an AMTS station or, alternatively, to cease operation" is incorrect. Section 97.303(e)(2) states that "[n]o amateur

station transmitting in the 219–220 MHz segment shall cause harmful interference to, nor is protected from interference due to operation of Automated Maritime Telecommunications Systems. . . ." The language of this rule clearly holds amateur operators responsible for avoiding interference to AMTS operations. In addition, the *MO&O* denies Orion's request that amateur equipment be type accepted. There is no evidence that amateur equipment has a history of being defective or that there is a need to require type acceptance for operations in the 219–220 MHz band. The Commission concludes that a type acceptance procedure for amateur 219–220 MHz band equipment would be unnecessarily burdensome.

6. The *MO&O* adopts Orion's suggestion that the amateur rules specify the bands of operation for AMTS in order to enable amateur operators to identify more readily all relevant AMTS operations. The Commission agrees with Orion that reference must be made to licensed operations in both the 217–218 MHz and 219–220 MHz bands in order to protect AMTS systems and therefore amends Sections 97.303(e)(4) and 97.303(e)(5) accordingly.

7. Finally, the Commission agrees with Orion that amateurs' notifications to AMTS licensees should include sufficient technical information to facilitate coordination between amateur and AMTS operations. However, the Commission states that the notification form developed by ARRL in response to the rules adopted in the *R&O* provides sufficient information for this coordination process. Therefore, the Commission do not believe that it is necessary at this time to amend the rules to specify that amateurs provide specific technical information, as requested by Orion. If the current coordination procedures do not prove satisfactory, this issue will be revisited.

8. *Final Regulatory Flexibility Analysis:* Pursuant to 5 U.S.C. Section 603, a Regulatory Flexibility Analysis was incorporated in the *Notice of Proposed Rule Making (NPRM)*, and *R&O* in ET Docket 93–40. Written comments on the proposals in the *NPRM*, including the Regulatory Flexibility Analysis, were requested and a final analysis was provided in the *R&O*.

A. Need for and Objective of Rules: The objective of this action is to provide a secondary allocation for the Amateur Radio Service which will permit amateur operators to establish point-to-point fixed digital message forwarding systems without interfering with primary services. The Commission

believes that the rules are sufficient to permit amateurs to share the spectrum, while the flexibility of the rules will in large part provide amateurs with the operational freedom to which they are accustomed.

B. Issues Raised by the Public in Response to the Final Analysis: No party suggested modifications specifically to the regulatory flexibility analysis.

C. Any Significant Alternative Minimizing Impact on Small Entities and Consistent with Stated Objectives: This action may provide new marketing opportunities for amateur radio equipment manufacturers, some of which may be small businesses.

9. Accordingly, IT IS ORDERED, that Parts 2 and 97 of the Commission's rules ARE AMENDED as set forth below, effective May 8, 1996. Furthermore, IT IS ORDERED, that the Petition for Reconsideration filed by Fred Daniel d/b/a Orion Telecom IS GRANTED, to the extent described above, and IS DENIED in all other respects. This action is taken pursuant to Sections 4(i), 7(a), 302, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 302, 303(c), 303(f), 303(g), 303(r).

List of Subjects

47 CFR Part 2

Radio.

47 CFR Part 97

Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Parts 2 and 97 of title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for Part 2 continues to read as follows:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303 and 307, unless otherwise noted.

2. Section 2.104(a) is revised to read as follows:

§ 2.104 International Table of Frequency Allocations.

(a) The International Table of Frequency Allocations (columns 1, 2

and 3 of § 2.106) is included for informational purposes only.

* * * * *

3. Section 2.106, the Table of Frequency Allocations, is amended as follows:

a. The entries for 174–216 MHz, 174–223 MHz, 216–220 MHz, 220–222 MHz, 222–225 MHz, 223–230 MHz, 225–235 MHz, 235–267 MHz, 267–272 MHz, 272–273 MHz, 273–322 MHz, and 322.0–328.6 MHz are removed and new entries for 174–216 MHz, 216–220 MHz, 220–222 MHz, 222–223 MHz, 223–225 MHz, 225–230 MHz, 230–235 MHz, 235–267 MHz, 267–272 MHz, 272–273 MHz, 273–312 MHz, 312–315 MHz, 315–322 MHz, and 322–328.6 MHz are added in numerical order.

b. International Footnote Nos. 633 and 634 are removed.

c. International Footnote Nos. 621, 622, 627, and 635 are revised.

d. International Footnote No. 641A is added.

The additions and revisions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
* 174–216 BROADCASTING	* 174–216 BROADCASTING Fixed Mobile 620	* 174–216 FIXED MOBILE BROADCASTING 619 624 625 626 630	* 174–216	* 174–216 BROADCASTING NG115 NG128 NG149	* RADIO BROADCAST (TV) (73) Auxiliary Broadcasting (74)	*
216–220 BROADCASTING	216–220 FIXED MARITIME MOBILE Radiolocation 627	216–220 FIXED MOBILE BROADCASTING	216–220 MARITIME MOBILE Aeronautical Mobile Fixed Land Mobile Radiolocation 627 US210 US229 US274 US317 G2	216–220 MARITIME MOBILE Aeronautical Mobile Fixed Land Mobile	MARITIME (80) Private Land Mobile (90) Personal Radio Service (95) Amateur (97)	
621 623 628 629	627A	619 624 625 626 630	US210 US229 US274 US317 G2	627 US210 US229 US274 US317 NG152		
220–222 BROADCASTING	220–222 AMATEUR FIXED MOBILE Radiolocation 627	220–222 FIXED MOBILE BROADCASTING	220–222 LAND MOBILE Radiolocation 627	220–222 LAND MOBILE	PRIVATE LAND MOBILE (90)	

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule part(s) (6)	Special-use frequencies (7)
(1)	(2)	(3)	(4)	(5)		
621 623 628 629		619 624 625 626 630	G2	627		
222–223 BROADCASTING 621 623 628 629	222–223 AMATEUR FIXED MOBILE Radiolocation 627	222–223 FIXED MOBILE BROADCASTING 619 624 625 626 630	222–223 Radiolocation 627 G2	222–223 AMATEUR 627	AMATEUR (97)	
223–225 BROADCASTING FIXED MOBILE 622 628 629 631 632 635	223–225 AMATEUR FIXED MOBILE Radiolocation 627	223–225 FIXED MOBILE BROADCASTING AERONAUTICAL RADIO- NAVIGATION Radiolocation 636 637	223–225 Radiolocation 627 G2	223–225 AMATEUR 627	AMATEUR (97)	
225–230 BROADCASTING FIXED MOBILE 622 628 629 631 632 635	225–230 FIXED MOBILE	225–230 FIXED MOBILE BROADCASTING AERONAUTICAL RADIO- NAVIGATION Radiolocation 636 637	225–230 FIXED MOBILE G27	225–230		
230–235 FIXED MOBILE 629 632 635 638 639	230–235 FIXED MOBILE	230–235 FIXED MOBILE AERONAUTICAL RADIO- NAVIGATION 637	230–235 FIXED MOBILE G27	230–235		
235–267 FIXED MOBILE 501 592 635 640 641 642	235–267 FIXED MOBILE 501 592 635 640 641 642	235–267 FIXED MOBILE 501 592 635 640 641 642	235–267 FIXED MOBILE 501 592 642 G27 G100	235–267 501 592 642		
267–272 FIXED MOBILE Space Operation (space-to-Earth) 641 643	267–272 FIXED MOBILE Space Operation (space-to-Earth) 641 643	267–272 FIXED MOBILE Space Operation (space-to-Earth) 641 643	267–272 FIXED MOBILE G27 G100	267–272		
272–273 SPACE OPER- ATION (space- to-Earth) FIXED MOBILE 641	272–273 SPACE OPER- ATION (space- to-Earth) FIXED MOBILE 641	272–273 SPACE OPER- ATION (space- to-Earth) FIXED MOBILE 641	272–273 FIXED MOBILE MOBILE G27 G100	272–273		
273–312 FIXED	273–312 FIXED	273–312 FIXED	273–312 FIXED	273–312		

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)		
MOBILE 641	MOBILE 641	MOBILE 641	MOBILE G27 G100			
312–315 FIXED MOBILE Mobile-Satellite (Earth-to-space) 641 641A	312–315 FIXED MOBILE Mobile-Satellite (Earth-to-space) 641 641A	312–315 FIXED MOBILE Mobile-Satellite (Earth-to-space) 641 641A	312–315 FIXED MOBILE G27 G1	312–315		
315–322 FIXED MOBILE 641	315–322 FIXED MOBILE 641	315–322 FIXED MOBILE 641	315–322 FIXED MOBILE G27 G100	315–322		
322–328.6 FIXED MOBILE RADIO ASTRONOMY 644	322–328.6 FIXED MOBILE RADIO ASTRONOMY 644	322–328.6 FIXED MOBILE RADIO ASTRONOMY 644	322–328.6 FIXED MOBILE 644 G27	322–328.6 644		
*	*	*	*	*	*	*

International Footnotes

* * * * *

621 *Additional allocation*: in the Federal Republic of Germany, Austria, Belgium, Denmark, Spain, Finland, France, Israel, Italy, Liechtenstein, Malta, Monaco, Norway, the Netherlands, the United Kingdom, Sweden, and Switzerland, the band 174–223 MHz is also allocated to the land mobile service on a permitted basis. However, the stations of the land mobile service shall not cause harmful interference to, or claim protection from, broadcasting stations, existing or planned, in countries other than those listed in this footnote.

622 *Different category of service*: in the Federal Republic of Germany, Austria, Belgium, Denmark, Spain, Finland, France, Israel, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Norway, the Netherlands, Portugal, the United Kingdom, Sweden and Switzerland, the band 223–230 MHz is allocated to the land mobile service on a permitted basis (see No. 425). However, the stations of the land mobile service shall not cause harmful interference to, or claim protection from, broadcasting stations, existing or planned, in countries other than those listed in this footnote.

* * * * *

627 In Region 2, no new stations in the radiolocation service may be authorized in the band 216–225 MHz. Stations authorized prior to 1 January 1990 may continue to operate on a secondary basis.

* * * * *

635 *Alternative allocation*: in Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe, the bands 223–238 MHz and 246–

254 MHz are allocated to the broadcasting service on a primary basis, subject to agreement obtained under the provisions set forth in Article 14.

* * * * *

641A The bands 312–315 MHz (Earth-to-space) and 387–390 MHz (space-to-Earth) in the mobile-satellite service may also be used by non-geostationary-satellite systems. Such use is subject to the application of the coordination and notification procedures set forth in Resolution 46 (WARC-92).

* * * * *

PART 97—AMATEUR RADIO SERVICE

1. The authority citation for Part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

2. Section 97.303 is amended by revising paragraphs (e)(4) and (e)(5) to read as follows:

§ 97.303 Frequency sharing requirements.

* * * * *

(e) * * *

(4) No amateur station may transmit in the 219–220 MHz segment from a location that is within 640 km of an AMTS Coast Station that uses frequencies in the 217–218/219–220 MHz AMTS bands unless the amateur station licensee has given written notification of the station's specific

geographic location for such transmissions to the AMTS licensee. The notification must be given at least 30 days prior to making such transmissions. The location of AMTS Coast Stations using the 217–218/219–220 MHz channels may be obtained from either:

The American Radio Relay League, Inc., 225 Main Street, Newington, CT 06111–1494; or
Interactive Systems, Inc., Suite 1103, 1601 North Kent Street, Arlington, VA 22209; Fax: (703) 812–8275; Phone: (703) 812–8270.

(5) No amateur station may transmit in the 219–220 MHz segment from a location that is within 80 km of an AMTS Coast Station that uses frequencies in the 217–218/219–220 MHz AMTS bands unless that amateur station licensee holds written approval from that AMTS licensee. The location of AMTS Coast Stations using the 217–218/219–220 MHz channels may be obtained as noted in paragraph (e)(4) of this section.

* * * * *

[FR Doc. 96–8385 Filed 4–5–96; 8:45 am]

BILLING CODE 6712–01–P