

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.

#### *Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

#### **List of Subjects in 30 CFR Part 915**

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 20, 1997.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

For the reasons set out in the preamble, 30 CFR Part 915 is amended as set forth below:

#### **PART 915—IOWA**

1. The authority citation for Part 915 continues to read as follows:

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

2. Section 915.15 is amended in the table by adding a new entry in chronological order by "Date of Final Publication" to read as follows:

#### **§ 915.15 Approval of Iowa regulatory program amendments.**

Original amendment submission date	Date of final publication	Citation/description
* * December 4, 1996.	* April 7, 1997	* * IAC 40.4(10); .38 (2) and (3); 64 (6) through (9).

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BILLING CODE 4310-05-M

#### **DEPARTMENT OF TRANSPORTATION**

##### **Coast Guard**

##### **33 CFR Part 155**

##### **Oil or Hazardous Material Pollution Prevention Regulations for Vessels**

##### *CFR Correction*

In Title 33 of the Code of Federal Regulations, parts 125 to 199, revised as of July 1, 1996, page 414, Table 3 in Appendix B to part 155 is corrected by adding brackets and an asterisk around the number 5 in the column entitled "% Recovered Floating oil", under the categories "Offshore" and "6 days" for the entry Non-persistent oils.

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#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 9**

[FRL-5807-2]

##### **OMB Approval Numbers Under the Paperwork Reduction Act**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Technical amendment.

**SUMMARY:** In compliance with the Paperwork Reduction Act, this document displays the Office of Management and Budget (OMB) control numbers issued under the Paperwork

Reduction Act (PRA) for part 258—Criteria for Municipal Solid Waste Landfills.

**EFFECTIVE DATE:** April 7, 1997.

**FOR FURTHER INFORMATION CONTACT:** Allen J. Geswein, (703) 308-7261.

**SUPPLEMENTARY INFORMATION:** EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to accurately display those information requirements promulgated under the Criteria for Municipal Solid Waste Landfills which appeared in the **Federal Register** on October 9, 1991 (56 FR 51016). The affected regulations are codified at 40 CFR part 258. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This display of the OMB control number and its subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR 1320.

This ICR was previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is "good cause" under section 553 (b)(B) and (d)(3) of the Administrative Procedure Act (5 U.S.C. 553 (b)(B) and (d)(3)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

#### **List of Subjects in 40 CFR Part 9**

Environmental protection, Reporting and recordkeeping requirements.

Dated: March 28, 1997.

**Timothy Fields, Jr.,**

*Acting Assistant Administrator, Office of Solid Waste and Emergency Response.*

For the reasons set out in the preamble 40 CFR part 9 is amended as follows:

1. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-

4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. In § 9.1, the table is amended by adding an entry under the indicated heading to read as follows:

**§ 9.1 OMB approvals under the Paperwork Reduction Act.**

\* \* \* \* \*

40 CFR citation	OMB control No.
* * *	* *
<b>Criteria for Municipal Solid Waste Landfills</b>	
Part 258 .....	2050-0122
* * *	* *

[FR Doc. 97-8819 Filed 4-4-97; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 27**

[GN Docket No. 96-228; FCC 97-112]

**The Wireless Communications Service ("WCS")**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** On March 31, 1997, the Federal Communications Commission ("Commission") adopted a Memorandum Opinion and Order amending certain rules pertaining to Wireless Communications Service ("WCS") operations in the 2305-2320 and 2345-2360 MHz bands. These amendments are being made in response to certain petitions for reconsideration of the Report and Order in this proceeding which established rules and policies for WCS. The effect of this action is to make minor amendments to the power and out-of-band emission limits imposed on WCS operations.

**EFFECTIVE DATE:** April 7, 1997.

**FOR FURTHER INFORMATION CONTACT:** Josh Roland, Wireless Telecommunications Bureau, (202) 418-0660, or Tom Mooring, Office of Engineering and Technology, (202) 418-2450.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Memorandum Opinion and Order in GN Docket No. 96-228. The complete Memorandum Opinion and Order 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 copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, N.W., Washington, D.C. 20037. The complete Memorandum Opinion and Order is also available on the Commission's Internet home page (<http://www.fcc.gov>)

**Summary of the Memorandum Opinion and Order**

1. The Omnibus Consolidated Appropriations Act, 1997, Public Law 104-208, 110 Stat. 3009 (1996) ("Appropriations Act") directed the Commission to reallocate the use of frequencies at 2305-2320 megahertz and 2345-2360 megahertz to wireless services that are consistent with international agreements concerning spectrum allocations, and to assign the use of such frequencies by competitive bidding pursuant to Section 309(j) of the Communications Act of 1934. In making these bands of frequencies available for competitive bidding, the Commission was directed to seek to promote the most efficient use of the spectrum and to commence the competitive bidding for the assignment of these frequencies no later than April 15, 1997.

2. On February 19, 1997, the Commission adopted a *Report and Order* in this proceeding establishing the Wireless Communications Service ("WCS"). See *Amendment of the Commission's Rules to Establish Part 27, the Wireless Communications Service ("WCS")*, GN Docket No. 96-228, *Report and Order*, FCC 97-50, 62 FR 9636 (March 3, 1997). ("Report and Order"). Specifically, the Commission allocated the 2305-2320 MHz and 2345-2360 MHz bands to the fixed, mobile, and radiolocation services on a primary basis and maintained the primary allocation for the broadcasting-satellite service (sound) in the 2310-2320 MHz and 2345-2360 MHz bands. WCS licensees will be permitted to provide any of these services. The Commission did not adopt any limitations on transmitter power, except to require that the equipment comply with our radiofrequency ("RF") safety program. The Commission also declined to impose any technical restrictions on WCS licensees aimed at protecting the multipoint distribution service and the instructional television fixed service ("MDS/ITFS") reception because, based on the record before the Commission at that time, the Commission was not persuaded that the operation of WCS facilities would irreparably harm the MDS and ITFS services. The Commission also noted that MDS/ITFS

block downconverters traditionally have employed an inexpensive design that has minimal frequency selectivity, and observed that the industry appears to be converting to newer, more robustly designed downconverters that would not receive WCS signals. The Commission concluded that it would be imprudent to adopt a requirement for WCS licensees to protect MDS/ITFS operations before having a more complete understanding of the nature and extent of problems that may actually arise.

3. Also in the *Report and Order*, in order to protect satellite digital audio radio service ("Satellite DARS" or "DARS") operations in the 2320-2345 MHz band, the Commission adopted stringent out-of-band emission limits that it believed would, at least in the foreseeable future, make mobile operations in WCS spectrum technologically infeasible. Specifically, all emissions into the 2320-2345 MHz band from fixed WCS transmitters must be attenuated below the transmitter output power ("p") by at least 80 + 10 log (p) dB and all emissions from mobile WCS transmitters must be attenuated below p by at least 110 + 10 log (p) dB.

4. On March 10, 1997, the Wireless Cable Association International, Inc. ("WCA") filed an Emergency Motion for Stay and a Petition for Expedited Reconsideration of the *Report and Order*. Concurrent with the adoption of this *Memorandum Opinion and Order*, the Commission is denying WCA's Emergency Motion for Stay, ruling that the Appropriations Act does not afford the Commission the authority to defer the commencement date of the WCS auction. On March 11, 1997, the PACS Providers Forum and DigiVox Corporation ("PPF/DigiVox") jointly filed a Petition for Expedited Reconsideration of the *Report and Order*. On March 13, 1997, the Wireless Telecommunications Bureau placed the petitions on public notice and established an expedited pleading cycle. By this *Memorandum Opinion and Order*, the Commission amends certain aspects of its rules governing the WCS in response to these two petitions for reconsideration.

5. Specifically, based on a better understanding of the potential for WCS operations to interfere with MDS/ITFS reception, the Commission is specifying limits on WCS operating power and is requiring that, for a limited time, WCS licensees assume responsibility under certain circumstances for interference they may cause to MDS/ITFS operations. The Commission also is requiring WCS licensees to provide advance notification to nearby MDS/