

**FOR FURTHER INFORMATION CONTACT:**

Questions concerning the public hearing should be directed to JoAnn Allman at the address given below under

**SUPPLEMENTARY INFORMATION.** Questions concerning the SNPR should be addressed to Carla Oldham, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD-15, Research Triangle Park, NC, 27711, telephone (919) 541-3347, email at oldham.carla@epa.gov.

**SUPPLEMENTARY INFORMATION:****Public Hearing**

The EPA will conduct a public hearing on the section 126 SNPR on March 12, 1999 beginning at 10:00 a.m., if requested by March 9, 1999. The EPA will not hold a hearing if one is not requested. Please check EPA's webpage at <http://www.epa.gov/airlinks> on March 10, 1999 for the announcement of whether the hearing will be held. If there is a hearing, it will be held at the EPA Auditorium at 401 M Street SW, Washington, DC, 20460. The metro stop is Waterfront, which is on the green line. Persons planning to present oral testimony at the hearings should notify JoAnn Allman, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD-15, Research Triangle Park, NC 27711, telephone (919) 541-1815, email allman.joann@epa.gov no later than March 9, 1999. Oral testimony will be limited to 5 minutes each. Any member of the public may file a written statement before, during, or by the close of the comment period. Written statements (duplicate copies preferred) should be submitted to Docket No. A-97-43 at the above address. The hearing schedule, including lists of speakers, will also be posted on EPA's webpage at <http://www.epa.gov/airlinks> prior to the hearing. A verbatim transcript of the hearing, if held, and written statements will be made available for copying during normal working hours at the Air and Radiation Docket and Information Center at the above address.

**Availability of Related Information**

The official record for this rulemaking, as well as the public version, has been established under docket number A-97-43 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in

**ADDRESSES** at the beginning of this document. Electronic comments can be sent directly to EPA at: A-and-R-Docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A-97-43. Electronic comments on the SNPR may be filed online at many Federal Depository Libraries.

Dated: February 25, 1999.

**John Seitz,**

*Director, Office of Air Quality Planning and Standards.*

[FR Doc. 99-5232 Filed 3-2-99; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 435**

[FRL-6237-8]

RIN 2040-AD14

**Effluent Limitations Guidelines and New Source Performance Standards for Synthetic-Based and Other Non-Aqueous Drilling Fluids in the Oil and Gas Extraction Point Source Category**

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

**ACTION:** Proposed rule; correction, announcement of meeting.

**SUMMARY:** The synthetic-based drilling fluids proposed rule was published on February 3, 1999, at 64 FR 5487. Today's notice changes the public meeting announced for Dallas, Texas, on March 5, 1999, to Houston, Texas, on March 17, 1999.

**DATES:** A public meeting will be held during the comment period, on Wednesday, March 17, 1999, from 9:00 a.m. to 12:00 noon. The previously scheduled meeting for March 5, 1999, is canceled.

**ADDRESSES:** The public meeting will be held at the University of Houston, Central Campus, Entrance 14, Cullen Boulevard, Science and Research Building, Room 116, Houston, Texas 77204. If you wish to present formal comments at the public meeting you should have a written copy for submittal. No meeting materials will be distributed in advance of the public meeting; all materials will be distributed at the meeting.

**FOR FURTHER INFORMATION:** Questions concerning this notice can be directed to

Joseph Daly at (202) 260-7186 or by facsimile at (202) 260-7185.

**SUPPLEMENTARY INFORMATION:** The public meeting will provide a brief overview of the proposed rule including the scope of the proposed regulation, the technology basis for developing the limitations, and a discussion of the economic and environmental impacts projected as a result of the proposed rule. The public meeting will provide those attending the opportunity to comment on the proposed rule.

Dated: February 25, 1999.

**Tudor T. Davies, Director,**

*Office of Science and Technology.*

[FR Doc. 99-5362 Filed 3-2-99; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Parts 2 and 95**

[WT Docket No. 99-66, RM-9157, FCC 99-23]

**Establishment of a Medical Implant Communications Service in the 402-405 MHz Band**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to establish a Medical Implant Communications Service ("MICS") operating in the 402-405 MHz band. MICS operations would consist of high-speed, ultra low power, nonvoice transmissions to and from implanted medical devices such as cardiac pacemakers and defibrillators. This document also proposes to allocate the 402-405 MHz band to the mobile service on a shared basis, designate this allocation for use by the MICS, and to amend the Commission's Rules to codify service rules for the MICS. The proposed rules will allow use of newly-developed, life-saving medical technology without harming other users of the frequency band.

**DATES:** Comments are due on or before April 9, 1999, and Reply Comments are due on or before April 26, 1999.

**FOR FURTHER INFORMATION CONTACT:** Gene Thomson, Policy and Rules Branch, Public Safety and Private 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. 99-66, FCC 99-23, adopted

February 12, 1999, and released February 24, 1999. 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, DC. 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. The complete (but official) text is also available on the Commission's Internet site at <<http://www.fcc.gov/Bureaus/Wireless/Notices/1999/index.html>> under the file name "fcc9923.txt" in ASCII text and "fcc9923.wp" in Word Perfect format.

### Summary of Notice of Proposed Rule Making

1. The Commission has released a *Notice of Proposed Rule Making* that proposes to amend the Table of Frequency Allocations in Section 2.106 of the Commission's Rules, to allocate the 402-405 MHz band on a shared basis and designate this share allocation for use by the Medical Implant Communications Service (MICS), and to revise part 95 of the Commission's Rules to permit the operation of ultra low power MICS transmitters in the 402-405 MHz band without an individual license issued by the Commission.

### Administrative Matters

#### Initial Regulatory Flexibility Analysis

2. As required by the Regulatory Flexibility Act ("RFA"), the Commission has prepared this Initial Regulatory Flexibility Analysis ("IRFA") of the possible significant economic impact on small entities by the policies and rules proposed in this *Notice of Proposed Rule Making* ("Notice"). Written public comments are requested on this IRFA. Comments must be identified as responses to IRFA and must be filed by the deadlines for comments on this *Notice*. The Commission will send a copy of the *Notice*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

#### A. Need for, and Objectives of, the Proposed Rules

3. In this proceeding, the Commission proposes to amend parts 2 and 95 of the Commission's Rules to establish the MICS as a shared allocation in the Non-Government 402-405 MHz band, and to codify the service rules for the MICS.

The proposed rules would allow use of newly-developed, life-saving medical technology without harming other users of the applicable frequency bands.

#### B. Legal Basis

4. Authority for issuance of this *Notice of Proposed Rule Making* is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

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

5. The proposed rules apply to manufacturers of medical implant devices and users of the proposed MICS equipment, such as hospitals and clinics. The RFA also includes small governmental entities as a part of the regulatory flexibility analysis. The definition of a small governmental entity is one with a population of less than 50,000. There are 85,006 governmental entities in the nation. This number includes such entities as states, counties, cities, utility districts, and school districts. There are no figures available on what portion of this number has populations of fewer than 50,000. However, this number includes 38,978 counties, cities, and towns, and of those 37,566, or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Of the estimated 85,006 governmental entities, many are hospitals and health care facilities. We ask for comments on what percentage of local government health care facilities are small entities that may be affected by the proposed rules.

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

6. No reporting or recordkeeping requirements would be imposed as a result of the actions proposed in this rule making proceeding. Manufacturers of medical implant transmitters would be required to follow the Commission's normal equipment authorization procedures.

#### E. Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

7. By making frequency spectrum available, the proposed rules could have a beneficial economic impact on those

small business entities that would either manufacture, or contribute to the manufacturing of equipment used in the Medical Implant Communications Service. Individuals who are the recipients of implanted MICS devices would be the greatest beneficiaries economically. While a precise determination of the cost savings is difficult to calculate, two examples are useful. First, over \$15M dollars per year would be saved by eliminating the need to conduct quarterly interrogation of implanted cardiac defibrillators in the clinical setting. This estimate does not include the interrogation of pacemakers, which are implanted at a much higher rate than defibrillators. Second, over \$37B is currently spent annually on hospitalization due to heart failure. When devices currently under development for the management of heart failure incorporate the MICS technology, it is expected that there will be a meaningful reduction in hospitalization costs. Assuming this impact is as small as 5%, the savings would be nearly \$2B per year. We seek comment on our tentative conclusions.

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

8. None.

### Ordering Clauses

9. Accordingly, *It is ordered* that, pursuant to Sections 4(i), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and 303(r), notice is hereby given of proposed amendments to parts 2 and 95 of the Commission's Rules, 47 CFR Parts 2 and 95.

10. *It is further ordered* that the Commission's Office of Public Affairs, Reference Operations Division, *shall send* a copy of this *Notice of Proposed Rule Making*, including the Initial Regulatory Flexibility Analysis to the Chief Counsel for Advocacy of the Small Business Administration.

### List of Subjects in 47 CFR Parts 2 and 95

Communications equipment, Radio.  
Federal Communications Commission.  
**Magalie Roman Salas,**  
*Secretary.*

[FR Doc. 99-5217 Filed 3-2-99; 8:45 am]

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