

based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do at this time.

DATES: To be considered, comments must be received by September 18, 1995.

ADDRESSES: Written comments should be addressed to: Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of Tennessee may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 401 Church Street, L & C Annex, 9th Floor, Nashville, Tennessee 37243-1531.

FOR FURTHER INFORMATION CONTACT: Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. The telephone number is (404) 347-3555 extension 4195.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: August 3, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 95

[WT Docket No. 95-131; FCC 95-318]

Allow Interactive Video and Data Service (IUDS) Licensees to Eliminate the One-year Construction "Build-out" Requirement

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed rules to allow Interactive Video and Data Service (IUDS) licensees to eliminate the one-year construction "build-out" requirement. This action was initiated on our own motion in response to requests by several IUDS licensees that participated in the IUDS auction. Originally crafted in the context of awarding licenses by lottery, the one-year construction benchmark now appears unnecessary. Licensees have sufficient economic incentives to provide service as quickly as possible; eliminating this one-year benchmark will provide licensees with greater flexibility in making financial, equipment, and other construction-related decisions.

DATES: Comments must be submitted on or before September 20, 1995 and reply comments must be filed on or before October 5, 1995.

ADDRESSES: Federal Communication Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Donna Kinin at (202) 418-0680, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, WT Docket 95-131, FCC 95-318, adopted July 31, 1995, and released August 14, 1995. The full text of this *Notice of Proposed Rule Making* is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street, NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Summary of Notice of Proposed Rule Making

1. In response to requests by several IUDS licensees that were awarded licenses as a result of the IUDS auction, the Commission initiated a rule making to amend part 95 of its Rules, 47 CFR part 95, to eliminate the one-year construction "build-out" requirement. The IUDS service rules, crafted in 1992 in the context of awarding licenses by lottery, were intended to reduce speculation and spectrum warehousing. The Commission believes that the one-year construction benchmark is no longer necessary when licenses are awarded by auction.

2. The Commission proposes to amend § 95.833(a) of its rules to permit IUDS licensees to eliminate the one-year

construction requirement, but not alter the three- and five-year benchmarks. Licensees argue that the IUDS equipment market is in early development and the one-year rule will hinder the industry's technological development. The Commission believes that with auction-awarded licenses, licensees have sufficient economic incentive to provide service as quickly as possible. In addition, it is in the public interest to provide licensees with greater flexibility in making financial, equipment and other construction-related decisions. Finally, leaving the three- and five-year benchmarks in tact, ensures timely service to the public.

3. The Commission seeks specific comments concerning the proposed rule amendment.

Initial Regulatory Flexibility Analysis

Reason for Action

The Commission proposes to amend part 95 of its rules to eliminate the one-year "build-out" construction requirement in the Interactive Video and Data Service (IUDS). Section 95.833(a) was crafted in the context of lotteries, but with auctions, speculation and spectrum warehousing are not issues.

Objectives

This change will provide greater opportunity for IUDS technological development and give licensees greater flexibility in their equipment/business decisions.

Legal Basis

The proposed action is authorized under sections 4(i), 303(r) and 309(j) of the Communications Act, 47 U.S.C. 154(i), 303(r) and 309(j).

Report, Recordkeeping and Other Compliance Requirements

None.

Federal Rules Which Overlap, Duplicate or Conflict With These Rules

None.

Description, Potential Impact, and Small Entities Involved

The proposed rule change would benefit IUDS licensees by allowing more flexibility in their construction decisions, while offering service in the intended time frame. Most IUDS licensees are expected to be small entities.

Any Significant Alternatives Minimizing the Impact on Small Entities Consistent With the Stated Objectives

None.