

future, five-year reviews may be required at Nansemond if other remedies are selected that leave waste on site above levels that allow for unlimited use and unrestricted exposure.

While EPA does not believe that any future response actions will be needed for the soil in the Impregnation Kit Area, if future conditions warrant such action, the proposed deletion area remains eligible for future response actions. Furthermore, this partial deletion does not alter the status of any other areas at Nansemond that are not proposed for deletion and remain on the NPL, including, but not limited to, the ground water beneath the Impregnation Kit Area.

EPA, together with Corps and with concurrence from the Commonwealth of Virginia, has determined that all appropriate CERCLA response actions have been completed for the soil in the Impregnation Kit Area and protection of human health and the environment has been achieved in these areas. Therefore, EPA makes this proposal to delete the soil in the Impregnation Kit Area of Nansemond site from the NPL.

Dated: January 9, 2003.

**Thomas Voltaggio,**

*Acting Regional Administrator, Region III.*

[FR Doc. 03-1144 Filed 1-17-03; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 15

[ET Docket No. 02-380; FCC 02-328]

#### Spectrum for Unlicensed Devices

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; notice of inquiry.

**SUMMARY:** This document requests comments from the public on the possibility of permitting unlicensed devices to operate in additional frequency bands. Specifically, the Commission seeks comments on the feasibility of allowing unlicensed devices to operate in TV broadcast spectrum at locations and times when spectrum is not being used, and on the technical requirements that would be necessary to ensure that such devices do not cause interference to authorized services operating within the TV broadcast bands. The Commission also seeks comment on the feasibility of permitting unlicensed devices to operate in other bands, such as the 3650-3700 MHz band at power levels

significantly higher than the maximum permitted for unlicensed devices in other frequency bands, with only the minimal technical requirements necessary to avoid interference to licensed and incumbent services. The Commission believes that these actions could have significant benefits to the economy, businesses and consumers by allowing the development of new and innovative types of unlicensed devices.

**DATES:** Written comments are due April 7, 2003, and reply comments are due May 6, 2003.

**ADDRESSES:** Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., TW-A325, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:**

Hugh L. Van Tuyl, Office of Engineering and Technology, (202) 418-7506, TTY (202) 418-2989, e-mail: [hvantuyl@fcc.gov](mailto:hvantuyl@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Inquiry*, ET Docket 02-380, FCC 02-328, adopted December 11, 2002, and released December 20, 2002. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room, CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before April 7, 2003, and reply comments on or before May 6, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121, May 1, 1998. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the

applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

#### Summary of Notice of Inquiry

1. The Commission initiated this *Notice of Inquiry* ("NOI") to obtain comments from the public on the possibility of permitting unlicensed devices to operate in additional frequency bands. Specifically, we seek comments on the feasibility of allowing unlicensed devices to operate in TV broadcast spectrum at locations and times when spectrum is not being used, and on the technical requirements that would be necessary to ensure that such devices do not cause interference to authorized services operating within the TV broadcast bands. The Commission also seeks comment on the feasibility of permitting unlicensed devices to operate in other bands, such as the 3650-3700 MHz band at power levels significantly higher than the maximum permitted for unlicensed devices in other frequency bands, with only the