(ii) *Limitations.* Feed continuously as sole ration; withdraw 6 days before slaughter; do not feed to layers.

3. In § 558.635 by adding new paragraph (f)(3)(v) to read as follows:

§ 558.635 Virginiamycin.

* * * * *

(f) * * *

(3) * * *

(v) Halofuginone as in § 558.265.

Dated: April 15, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86-8932 Filed 4-21-86; 8:45 am]

BILLING CODE 4160-01-M

VETERANS ADMINISTRATION

38 CFR Part 17

Readjustment Counseling and Related Mental Health Services

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is amending its medical regulations (38 CFR Part 17) to remove any reference to a date by which Vietnam era veterans must request readjustment counseling. This change is authorized by Pub. L. 99-166, "Veterans Administration Health-Care Amendments of 1985."

EFFECTIVE DATE: This amendment is effective May 27, 1986.

FOR FURTHER INFORMATION CONTACT: Karen O. Walters, Chief, Policies and Procedures Division (136F), Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 389-2143.

SUPPLEMENTARY INFORMATION: Section 106 of Pub. L. 99-166 made a technical amendment to Title 38 U.S.C. 612A(g)(1)(B) to remove the reference to a date by which Vietnam era veterans must request readjustment counseling. Prior to this change these veterans were required to request such counseling before September 30, 1988.

The Administrator has determined that this amendment to VA regulations is considered nonmajor under the criteria of Executive Order 12291, Federal Regulation. It will not have an annual effect on the economy of $100 million or more; it will not result in major increases in costs for consumers, individual industries, Federal, State or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

The VA finds that advance publications for public notice and comments is unnecessary and not required. This change is primarily an interpretive rule conforming the regulations to a change made by Pub. L. 99-166 and will not have independent effect. Therefore, the changes come within exceptions to the general VA policy of prior publication for public notice and comment, contained in 38 CFR 1.12. Accordingly, these changes are now public as final regulations.

Since a proposed rule will not be published, these amendments do not come within the term "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, these changes are not subject to that act. In any case, the changes will not have a significant economic impact on a substantial number of small entities because they concern the entitlement of individual veterans and their beneficiaries, and do not have independent effect.

Catalog of Federal Domestic Assistance Numbers: 64.009 and 64.011.

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs—health, health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing home, Philippines, Veterans.

Approved: March 25, 1986.

By direction of the Administrator:

Everett Alvarez, Jr.,

Deputy Administrator.

PART 17—[AMENDED]

38 CFR Part 17, MEDICAL, is amended by revising § 17.57(a) to read as follows:

§ 17.57 Readjustment counseling and related mental health services.

(a) Readjustment counseling, including a general mental and psychological assessment to ascertain whether an individual has mental or psychological problems associated with readjustment to civilian life, and, if indicated, related mental health services will be furnished, under the conditions stated, to veterans who have served on active duty during the Vietnam era. (38 U.S.C. 612A; Pub. L. 99-166)

* * * * *

[FR Doc. 86-8941 Filed 4-21-86; 8:45 am]

BILLING CODE 8320-01-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM86-1; Order No. 676]

Rules of Practice and Procedure Relating to Documentation of Statistical and Computer-Generated Evidence; Order of Rulemaking

Issued: March 6, 1986.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending § 3001.31(k)(3)(i) of its Rules of Practice governing computer-generated evidence to provide that where a simulation model is offered in evidence, testing and validation are presumptively necessary to lay an adequate foundation for admission into evidence. We are also making technical revisions to § 3001.31(k)(2) and § 3001.54(f)(3)(iii)(*c*).

DATE: These revisions to our Rules will become effective April 22, 1986.

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, Postal Rate Commission, Suite 300, 1333 H Street, NW., Washington, DC 20268 (telephone: 202/789-6820).

SUPPLEMENTARY INFORMATION: In Docket No. RM85-2, the Commission adopted several proposals to amend our Rules of Practice that dealt with workpaper citations, the "roll-forward" computer model, and technical conferences for computer-generated evidence. The Notice of Proposed Rulemaking in Docket No. RM85-2 was issued on June 18, 1985 (50 FR 27308-13), and the amended Rules were adopted upon their publication in the Federal Register on October 25, 1985 (50 FR 43388-93). Time, Inc., and Dow Jones & Co. filed comments in Docket No. RM85-2 on August 2, 1985, and August 9, 1985, respectively. In their comments, they advanced some proposals that were not directly related to the Commission's proposals in Docket No. RM85-2. Their indirectly-related proposals were deferred for consideration in this docket.

Comments on these indirectly-related proposals were solicited in this docket in our Notice of Proposed Rulemaking, issued October 21, 1985 (50 FR 43414-15). Perhaps the most significant of these proposals is the one advanced by Time, Inc. relating to computer-generated simulation models. Time, Inc. proposed that we make information on testing and validation presumptively necessary for laying a foundation for such models. It proposed that we do this by adding the following paragraph to Rule 31(k)(3)(i):

(j) Computer simulation models [that seek to describe the operations of the Postal Service, in whole or in part, or any postal related activity,] offered in evidence or relied upon as support for other evidence, shall be bound by all applicable provisions of paragraph (k)(3) and the separate requirements of paragraph (k)(2) [(statistical studies)], to the extent that portions of the simulation model utilize or rely upon such [separate or integrated] studies. Information that compares the simulation model output results to the actual operations(s) being modelled, using data other than those from which the model was developed, shall be separately identified and submitted as evidence supporting the test and validation of the simulation model. Separate statements concerning the model limitations, including limiting model design assumptions and range of data input utilized in model design, shall be provided. Where test and validation of the entire simulation model are not possible, test and validation information shall be provided for disaggregate portions of the model. If disaggregate testing and validation are not possible, separate statements to that effect and statements regarding operational experts' review of model validity shall be provided.

Time, Inc., notes that such a requirement is implicit in Rule 31(k)(3)(i)(e), which, by example, incorporates generally accepted software documentation standards that contain test and validation documentation. Time, Inc., contends, however, that these requirements should be made explicit in our Rule in order to be effective. Comments of Time, Inc., filed August 2, 1985, in Docket No. RM85–2, at 2. We agree. Dow Jones & Co. endorses the addition (Comments of Dow Jones & Co., November 25, 1985), and the Postal Service does not oppose it. (Comments of the United States Postal Service, November 25, 1985.)

Time, Inc., is correct in contending that validation is at least as important as authentication and replication in establishing a foundation for computer-generated simulation models. As Time, Inc., explains, to build a simulation model it is necessary to collect data on the real-world phenomena being studied and then to develop mathematical formulae that represent the relationships among that data. Since this involves a "curve fitting" process, it cannot be thought to be a valid model of observed phenomena unless the formulae developed are tested in one of two ways. One is a test of historical validity. In such a test, the formulae are applied to a set of historical data separate from the set used to develop the model, to see if the results are consistent. The other is a test of face validity. In such a test, operations experts judgmentally evaluate how accurately the formulae developed reflect real-world relationships. It is used when historical validation is not possible. Time, Inc.'s proposed addition allows face validation where historical validation is not possible. Therefore, it is flexible enough to serve as a practical foundational requirement for our proceedings.

We therefore adopt new paragraph 31(k)(3)(i)(j) as it appears below. Its language differs slightly from that proposed by Time, Inc., quoted above. We have deleted the phrase "that seek to describe the operations of the Postal Service, in whole or in part, or any postal related activity," bracketed above, because we deem it advisable to apply the rule to simulation models in general, not just those that model postal operations. The other bracketed language, although it accurately expresses the intent of the new rule, is deleted as unnecessary elaboration.

In this docket, we also solicited public comment on several proposals made by Dow Jones, Inc., in its comments filed August 9, 1985, in Docket No. RM85–2. These include its proposal to strengthen the current requirement in Rule 54(o)(3) that workpapers be "neat and legible" to counteract what it contends is a common problem of participants' workpapers failing to meet this standard. It proposed that our rules place the burden on the filing party to ensure that workpapers are legible. It proposed that the party who fails to meet the standard be required, upon request, to provide legible replacement pages, by overnight delivery. Comments of Dow Jones & Co., Inc., filed August 9, 1985, in Docket No. RM85–2, at 2–3. The Postal Service opposed this proposal, arguing that the problems that lead to filing illegible workpapers are the kind that need to be dealt with by informal negotiation, rather than by added formalities in the Rule. Comments of the Postal Service, November 25, 1985, at 2–3.

We agree with Dow Jones & Co., that the burden should be on the filing party to ensure that their workpapers meet the legibility standard in the Rule. That, in fact, is what the current rule does. But we also agree with the Postal Service that noncompliance with the Rule is likely to be due to causes that are best dealt with through informal accommodation among parties. Should this appear to be inadequate in any particular proceeding, the presiding officer will fashion an appropriate special rule of practice to correct the problem. Accordingly, we have not revised Rule 54(o)(3) as Dow Jones & Co. requests.

Rule 31(k)(2) sets forth standard statistical significance tests and other documentation requirements for statistical studies on which hearing participants rely. Dow Jones & Co. proposes that these be made mandatory rather than provided "upon proper request," as the Rule now requires. In particular, Dow Jones proposes that the information concerning statistical methodology contained in paragraph 31(k)(2)(iv) of our rules become a mandatory requirement. Comments of Dow Jones & Co., filed August 9, 1985, in Docket RM85–2, at 5.

Dow Jones argues that the documentation of statistical studies that is specified in this Rule is the kind that should accompany all statistical studies as a matter of course. To require that such documentation accompany the filing of such evidence would, it contends, avoid an unnecessary round of interrogatories. We agree with Dow Jones. We note that the Postal Service has no objection to this proposal. Comments of the Postal Service, November 25, 1985, at 4. Accordingly we are revising Rule 32(k)(2) by deleting the phrase "[u]pon proper request" that currently introduces paragraph "(2)." This will make provision of the documentation specified therein mandatory at the time of filing, except for particular subparagraphs in which we retain the phrase "upon request." We are adding the phrase "upon request" at the beginning of subparagraph "(ii)(b)" because we do not believe that it is appropriate to make that item of documentation mandatory.

On our own initiative, we are making a technical correction involving paragraph 31(k)(2) that will improve the organization of Rule 31 generally. Paragraph 31(k)(2)(iv)(e) states the general principle that designating a document as a library reference in our proceedings does not confer any particular evidentiary status upon that document. This is a general statement that applies not only to the narrow category of documentation that comes within 31(k)(2)(iv), but applies with equal force to all documentary evidence governed by Rule 31. Accordingly, we revise Rule 31 by deleting paragraph 31(k)(2)(iv)(e), and placing the language of that subparagraph at the end of paragraph 31(b).

Dow Jones, Inc., proposed that we make some technical corrections elsewhere in our Rules of Practice. It suggests that Rule 54(h)(4), which currently requires the Postal Service to "identify the methodology used to attribute or assign each type of cost," should also require an explanation of how that methodology works, and set forth the calculations underlying the use

of that methodology. Comments of Dow Jones & Co. filed August 9, 1985, in Docket No. RM85–2, at 6. A similar requirement that underlying calculations be provided should be added to Rule 54(o)(2)(v), according to Dow Jones, Inc. This would require that the Postal Service show, in addition to "results" of special studies used to modify, expand, project, or audit routinely collected data, the calculations underlying those results.

We note that explanations of how analytical methods were applied to achieve results offered in evidence, including underlying calculations, are requirements that are implicit in both of these rules. They are also requirements inherent in our workpaper rule. Paragraph 54(o)(4) of our workpaper rule requires the Postal Service to show the derivation of all quantitative data offered in evidence in such a way that it can be traced to primary data sources. Complying with this general rule necessarily encompasses the underlying calculation which Dow Jones seeks in the specific areas covered by Rules 54(h)(4) and (o)(2)(v). It would therefore add nothing to these rules to make the additions proposed by Dow Jones. Moreover, to explicitly require underlying calculations in some, but not all, of Rule 54 would raise a negative inference in other parts of that Rule that underlying calculations are not required. For these reasons, we will not make these revisions proposed by Dow Jones & Co.

Dow Jones, Inc., also notes that current Rule 54(f)(3)(iii)(*c*) requires assignment and distribution of costs "to functions set forth in f(3)(iii)(*b*) of this section" but that f(3)(iii)(*b*) contains only examples, not an exhaustive list, of functions. It suggests that the reference back to f(3)(iii)(*b*) be reworded to avoid the inference that the examples listed there are exhaustive. Comments of Dow Jones & Co. filed August 9, 1985, in Docket No. RM85–2, at 6–7. We note that the same criticism applies to the reference back to f(3)(iii)(*a*) that is made in the subparagraph. We agree that both references back can be clarified by rewording them. Accordingly, we revise the language of Rule 54(f)(iii)(*c*) as appears below.

Impact of Changes

The Commission finds that these rule changes do not, individually or collectively, constitute a major rule. They affect only rules of practice governing hearing procedures and their economic impact will be negligible, including their impact on the costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions. Additionally, these rule changes will have no measurable effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The above analysis that these rule changes do not constitute a major rule applies, as well, to the Regulatory Flexibility Act.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Postal Service.

List of Changes

1. The authority citation for 39 CFR Part 3001 continues to read as follows:

Authority: 39 U.S.C. 404(b), 3603, 3622–3624, 3661, 3662, 84 Stat. 759–762, 764, 90 Stat. 1303; (5 U.S.C. 553), 80 Stat. 383.

PART 3001—RULES OF PRACTICE AND PROCEDURE

2. In § 3001.31, paragraph (b) is revised to read as follows:

§ 3001.31 Evidence.

* * * * *

(b) *Documentary.* Documents and detailed data and information shall be presented as exhibits. Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant or not intended to be put in evidence, the participant offering the same shall plainly designate the matter offered excluding the immaterial or irrelevant parts. If other matter in such document is in such bulk or extent as would unnecessarily encumber the record, such document may be marked for identification, and, if properly authenticated, the relevant and material parts thereof may be read into the record, or, if the Commission or the presiding officer so directs, a true copy of such matter in proper form shall be received in evidence as an exhibit. Copies of documents shall be delivered by the participant offering the same to the other participants or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the entire and relevant portions thereof. Designation of a document as a library reference is a procedure for facilitating reference to the document in Commission proceedings and does not, by itself, confer any particular evidentiary status upon the document. The evidentiary status of the document is governed by this section.

§ 3001.31 [Amended]

3. Paragraph (k)(2) of § 3001.31 is revised to read as follows:

(k) *Introduction and reliance upon studies and analyses—* * * *

(2) *Statistical studies.* All statistical studies offered in evidence in hearing proceedings or relied upon as support for other evidence shall be described in a summary statement with supplementary details added in appendices so as to give a comprehensive description of the assumptions made, the study plan utilized and the procedures undertaken. For example, for each of the following types of statistical studies, the indicated information should be furnished:

(i) *Sample surveys. (a)* A clear description of the survey design, including the definition of the universe under study, the sampling frame and units, and the validity and confidence limits than can be placed on major estimates; and

(*b*) An explanation of the method of selecting the sample and the characteristics measured or counted.

(ii) *Econometric investigations.* (*a*) A complete description of the econometric model and reasons for each assumption and statistical specification;

(*b*) Upon request, a clear statement as to the effects on the final result of changes in the assumptions; and

(*c*) Upon request, make available alternative studies which may have been made, which employed alternative models and variables.

(iii) *Experimental analyses.* (*a*) A complete description of the experimental design, including a specification of the controlled conditions and how the controls were realized;

(*b*) A complete description of the methods of making observations and the adjustments, if any, to observed data.

(iv) *All studies involving statistical methodology.* (*a*) The formula used for statistical estimates;

(*b*) The standard errors of each component estimated;

(*c*) Test statistics and the description of statistical tests and all related computations, and final results; and

(*d*) Summary descriptions of input data, and, upon request, the actual input data shall be made available at the offices of the Commission.

4. Paragraph (k)(3)(i)(*j*) of § 3001.31 is added to read as follows:

(k) * * *

(3) *Computer analyses.* (i) * * *

* * * * *

(*j*) Computer simulation models offered in evidence or relied upon as

support for other evidence, shall be bound by all applicable provisions of paragraph (k)(3) and the separate requirements of paragraph (k)(2), to the extent that portions of the simulation model utilize or rely upon such studies. Information that compares the simulation model output results to the actual phenomena being modelled, using data other than those from which the model was developed, shall be separately identified and submitted as evidence supporting the test and validation of the simulation model. Separate statements concerning the model limitations, including limiting model design assumptions and range of data input utilized in model design, shall be provided. Where test and validation of the entire simulation model are not possible, test and validation information shall be provided for disaggregate portions of the model. If disaggregate testing and validation are not possible, separate statements to that effect and statements regarding operational experts' review of model validity shall be provided.

* * * * *

5. In § 3001.54, paragraph (f)(3)(iii) (*c*) is revised to read as follows:

§ 3001.54 Contents of formal requests.

(*f*) *Total functionalized accrued costs.*

* * * * *

(3) (iii)

* * * * *

(*c*) An assignment and distribution of the costs by account, exemplified in paragraph (f)(3)(iii) (*a*) of this section, together with related mail volumes, to the functions exemplified in paragraph (f)(3)(iii) (*b*) of this section;

* * * * *

By the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 86-8955 Filed 4-21-86; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-4-FRL-3006-5]

Air Pollution; Standards of Performance for New Stationary Sources; Supplemental Delegation of Authority to South Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: The State of South Carolina requested delegation of authority for the implementation and enforcement of several additional categories of National Standards of Performance for New Stationary Sources (NSPS). EPA's review of South Carolina's laws, rules, and regulations showed them to be adequate for the implementation and enforcement of these federal standards, and the Agency made the delegation as requested.

EFFECTIVE DATE: These requests for delegation of authority to South Carolina were effective March 27, 1985, and February 18, 1986.

ADDRESSES: Copies of the requests for delegation of authority and EPA's letters of delegation are available for public inspection at EPA's Region IV Office, 345 Courtland Street, NE., Atlanta, Georgia 30365.

All reports required pursuant to the newly delegated standards should not be submitted to the EPA Region IV Office, but should instead be submitted to the following address: Mr. Otto Pearson, Bureau of Air Quality Control, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Beverly A. Thomas of the EPA Region IV Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365, telephone 404/347-2864 (FTS 257-2864).

SUPPLEMENTARY INFORMATION: Sections 101, 110, and 111 of the Clean Air Act authorize the Administrator to delegate his authority to implement and enforce the National Standards of Performance for New Stationary Sources (NSPS) to any State which has submitted adequate implementation and enforcement procedures.

On October 26, 1976, EPA delegated to the State of South Carolina, the authority to implement the NSPS. Subsequent NSPS delegations were made on March 17, 1981, March 26, 1982, April 28, 1983, April 6, 1984 and May 10, 1984. On February 8, 1985, March 5, 1985, and January 23, 1986, South Carolina requested that EPA delegate authority for the NSPS categories that had been promulgated since the May 10, 1984, delegation.

The NSPS categories requested are as follows:

1. *Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels in Steel Plants, 40 CFR Part 60, Subpart AAa,* as promulgated on October 31, 1984.

2. *Flexible Vinyl and Urethane Coating and Printing, 40 CFR Part 60, Subpart FFF,* as promulgated on June 29, 1984.

3. *Equipment Leaks of VOC in Petroleum Refineries, 40 CFR Part 60, Subpart GGG,* as promulgated on May 30, 1984.

4. *Petroleum Dry Cleaners, 40 CFR Part 60, Subpart JJJ,* as promulgated on September 21, 1984.

5. *Secondary Emissions from Basic Oxygen Process Steelmaking Facilities, 40 CFR Part 60, Subpart Na,* as promulgated on January 2, 1986.

6. *Equipment Leaks of VOC from Onshore Natural Gas Processing Plants, 40 CFR Part 60, Subpart KKK,* as promulgated on June 24, 1985.

7. *Onshore Natural Gas Processing:* SO_2 Emissions, 40 CFR Part 60, Subpart LLL, as promulgated on October 1, 1985.

8. *Nonmetallic Mineral Processing Plants, 40 CFR Part 60, Subpart OOO,* as promulgated on August 1, 1985.

9. *Wool Fiberglass Insulation Manufacturing Plants, 40 CFR Part 60, Subpart PPP,* as promulgated on February 25, 1985.

ACTION: Since review of the pertinent South Carolina laws, rules, and regulations showed them to be adequate for the implementation and enforcement of the aforementioned categories of NSPS, I delegated to the State of South Carolina my authority for the source categories listed above on March 27, 1985, and February 18, 1986.

The Office of Management and Budget has exempted this regulation from the requirements of Section 3 of Executive Order 12291.

This notice is issued under the authority of sections 101, 110, 111, and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7410, 7411, 7412 and 7601).

Dated: April 11, 1986.

Jack E. Ravan,

Regional Administrator.

[FR Doc 86-8957 Filed 4-21-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, and 90

[PR Docket No. 83-737; FCC 86-143]

Frequency Coordination in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adopts rules and policies revising frequency coordination procedures in the Private Land Mobile Radio Services. Such action was encouraged by Congress in

amendments to the Communications Act of 1934 and will facilitate application processing, maximize spectrum utilization, provide a more reliable data base, and allow for the introduction of new technology with minimum disruption to existing operations in these services.

EFFECTIVE DATE: October 22, 1986.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson or Herb Zeiler, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 90

Radio.

This is a summary of the Commission's Report and Order, PR Docket 83–737, adopted April 3, 1986, and released April 15, 1986.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets branch (room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service (202) 857–3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of Report and Order

1. On October 17, 1984, the Commission adopted a Notice of Proposed Rule Making (Notice) which proposed new rules and policies to govern frequency coordination and coordinators. The Notice was premised on two fundamental concepts: (1) To use to the maximum extent possible the capabilities of private coordinating groups to provide better service to the public and (2) to allow the Commission to do more licensing with diminishing resources. The Notice proposed to have coordinators review most private land mobile applications before they are filed with the Commission. Further, the Notice proposed that only one coordinator be certified for each radio service or frequency group. Finally, the Notice proposed revised procedures designed to streamline the coordination and licensing processes.

2. This Report and Order adopts rules and procedures, as indicated in Appendix C, for applicants applying for frequencies in the private land mobile radio services. It sets forth criteria for determining which applications require or do not require coordination, and establishes requirements to which coordinators must conform. The Commission states that the rules and procedures adopted will improve the quality of frequency selections, expedite licensing, and improve spectrum efficiency, all to the benefit of private land mobile radio users. To achieve these objectives, certified frequency coordinators will be required to:

(1) Provide coordination services on a non-discriminatory basis;

(2) Review the Form 574 application for completeness and review items 1–25 for general correctness;

(3) Process applications in order of receipt;

(4) File coordinated applications with the Commission;

(5) Handle post-licensing conflicts involving frequency selection;

(6) Respond to coordination requests and applications in a timely manner;

(7) Recommend the most appropriate frequency;

(8) Handle interservice sharing requests;

(9) Maintain reasonable and uniform fees;

(10) Establish a single point of contact nationally; and

(11) Facilitate the use of new technologies.

3. The Report and Order discusses the issue of single versus multiple coordinators per radio service. The Commission indicated that certifying only one coordinator per service would obviate the need to develop a system for ensuring that the independent actions of competing coordinators would be both consistent and harmonious. It concluded that the designation of a single coordinator for each radio service would substantially simplify the coordination process and would result in more reliable frequency recommendations. Accordingly, coordinators were certified for each radio service or specialized groups of frequencies listed in Part 90 of the Commission's rules.

Final Regulatory Flexibility Analysis

4. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, a final regulatory flexibility analysis has been prepared. It is available for public viewing as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

Paperwork Reduction Act Statement

5. The decision contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980. We recognize that there are possibly some recordkeeping and reporting requirements imposed upon certified coordinators that cannot be fully defined at this time. Accordingly, when the staff fully develops the procedures for implementing the adopted coordination process, any such recordkeeping and reporting requirements that are identified will be submitted to the Office of Management and Budget for appropriate clearance.

Effective Dates

6. In order to give coordinators sufficient opportunity to meet the requirements put forth here, we are making the rules and procedures adopted effective six months from the date the summary of this item is published in the **Federal Register**. All applications filed after the date will have to follow the new coordination procedures as prescribed herein. This effective date will not apply, however, to the capability of the coordinator to access the Commission's data base. We will require coordinators to be able to access the Commission's data base three months after notice is given that such a service is available. We expect each of the certified coordinators to meet the functions and requirements in the time frame specified. Coordinators not meeting the terms of their certification are subject to Commission review and, if necessary, decertification as discussed above.

Ordering Clause

7. Accordingly, it is ordered, that effective October 22, 1986, Parts 0, 1, and 90 of the Commission's Rules, 47 CFR, are amended as set forth and this proceeding is terminated. Authority for this action is found in section 4(i), 303, and 331 of the Communcations Act of 1934, as amended 47 U.S.C. 154(i), 303, and 332.

8. For further information on this proceeding contact Eugene Thomson, or Herb Zeiler, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, Federal Communcations Commission, Washington, DC 20554, telephone (202) 634–2443.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Parts 0, 1, and 90 of the Commission's Rules and Regulations are amended as follows:

The authority citation for Part 0 continues to read:

Authority: Sec. 5, 48 Stat. 1068 as amended; 47 U.S.C. 155, unless otherwise noted.

The authority citation for Part 1 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, Implement 5 U.S.C. 552, unless otherwise noted.

The authority citation for Part 90 continues to read:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303 unless otherwise noted.

PART 0—[AMENDED]

1. Section 0.131 is amended by adding a new paragraph (g) to read as follows:

§ 0.131 Functions of the Bureau.

* * * * *

(g) Certifies frequency coordinators in the Private Land Mobile Radio Services, considers petitions seeking review of coordinator actions, and engages in oversight of coordinator actions and practices.

2. Section 1.912 is amended by adding a new paragraph (b) to read as follows:

§ 1.912 Where applications are to be filed.

* * * * *

(b) All applications for private land mobile licenses which require frequency coordination and all correspondence relating thereto shall be first sent to the certified frequency coordinator for the radio service or frequency group concerned. After the appropriate frequency coordination, such applications shall be forwarded by the coordinator to the Federal Communications Commission, Gettysburg, PA. 17325.

* * * * *

3. In § 90.7, the term of Frequency advisor is changed to Frequency coordinator and the definition is revised to read as follows:

§ 90.7 Definitions.

* * * * *

Frequency coordinator. An entity or organization that has been certified by the Commission to recommend frequencies for use by licensees in the Private Land Mobile Radio Services.

* * * * *

4. Section 90.17 is amended by revising paragraph (c)(3) to read as follows:

§ 90.17 Local Government Radio Service.

* * * * *

(c) * * *

(3) The maximum output power of any transmitter authorized to operate on this frequency shall not exceed 2 watts.

* * * * *

5. Section 90.53 is amended by revising the bands 155.160–155.400 in the Table in paragraph (a), removing and reserving paragraph (b)(8), and revising paragraph (b)(31).

§ 90.53 Frequencies available.

* * * * *

(a) * * *

SPECIAL EMERGENCY RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station	Limitations
*	*	*
155.160	Base or mobile	25
155.175	do	25
155.205	do	25
155.220	do	25
155.235	do	25
155.265	do	25
155.280	do	25
155.295	do	25
155.325	do	9, 25, and 29
155.340	do	10, 29
155.355	do	9, 25, and 29
155.385	do	9, 25, and 29
155.400	do	9, 25, and 29

(b) * * *

(8) (Reserved)

* * * * *

(31) This frequency is removed by 22.5 kHz from frequencies assigned to other radio services. Utilization of this frequency may result in, as well as be subject to, interference under certain operating conditions. In considering the use of this frequency, adjacent channel operations should be taken into consideration. If interference occurs, the licensee may be required to take the necessary steps to resolve the problem. See § 90.173(b).

* * * * *

6. Section 90.63 is amended by revising paragraph (d)(15) to read as follows:

§ 90.63 Power Radio Service.

* * * * *

(d) * * *

(15) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. It may be assigned only when all of the frequencies in the 450–470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi) of the proposed base station.

* * * * *

7. Section 90.65 is amended by revising paragraph (c)(37) to read as follows:

§ 90.65 Petroleum Radio Service.

* * * * *

(c) * * *

(37) This frequency is shared with the Special Industrial Radio Service and is available for assignment in the Petroleum Radio Service only in the states of Texas and Louisiana within 75 miles of the Gulf of Mexico and in adjacent offshore waters. Mobile relay stations will not be authorized.

* * * * *

8. Section 90.67 is amended by revising paragraphs (c)(18) and (c)(29) to read as follows:

§ 90.67 Forest Products Radio Service.

* * * * *

(c) * * *

(18) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. It may be assigned only when all of the frequencies in the 450–470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within the 56 km. (35 mi) of the proposed base station.

* * * * *

(29) This frequency is shared with the Taxicab and Special Industrial Radio Services. Use of this frequency is limited to stations located at least 80.5 km (50 miles) from the center of any urbanized area of 600,000 or more population (U.S. Census of Population, 1970). All operations on this frequency are limited to a maximum transmitter output power of 75 watts.

* * * * *

9. Section 90.73 is amended by revising paragraphs (d)(28), (30), (32), and (e)(4) except table, to read as follows:

§ 90.73 Special Industrial Radio Service.

* * * * *

(d) * * *

(28) This frequency is shared with the Taxicab and Forest Products Radio Services. Use of this frequency is limited to stations located at least 80.5 km (50 miles) from the center of any urbanized area of 600,000 or more population (U.S. Census of Population, 1970). All operations on this frequency are limited to a transmitter output power of 75 watts.

* * * * *

(30) This frequency is shared with other Industrial Radio Services and is available for assignment in the Special Industrial Radio Service only in the States of North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri beyond 50 miles from St. Louis and Kansas City; Wyoming and Colorado east of Longitude 106 degrees except within a 50 mile radius of Denver; and

Minnesota south of Latitude 47 degrees except within a 50 mile radius of St. Paul, Minnesota. The maximum transmitter output power may not exceed 110 watts.

* * * * *

(32) This frequency is shared with other Industrial Radio Services and is available for assignment in the Special Industrial Radio Service only in the States of North Dakota, South Dakota, Iowa, Nebraska, Kansas, Missouri, Colorado, and Wyoming east of Latitude 106 degrees; and Minnesota south of Latitude 47 degrees. The maximum transmitter output power may not exceed 110 watts.

* * * * *

(e) * * *

(4) The following frequencies are available only in Puerto Rico and the Virgin Islands. These "Base and Mobile" and "Mobile only" frequencies are available on a shared basis in the Forestry-Conservation and Railroad Radio Services respectively. These "Mobile only" frequencies may be assigned to a control station associated with a mobile relay system if it is also assigned to the associated mobile station.

* * * * *

10. Section 90.79 is amended by revising paragraphs (d)(4) and (d)(13) to read as follows:

§ 90.79 Manufacturers Radio Service.

* * * * *

(d) * * *

(4) This frequency is available on a shared basis in the Manufacturers, Special Industrial and Railroad Radio Services.

* * * * *

(13) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. It may be assigned only when all of the frequencies in the 450–470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi) of the proposed base station.

* * * * *

11. Section 90.81 is amended by revising paragraph (d)(4) to read as follows:

§ 90.81 Telephone Maintenance Radio Service.

* * * * *

(d) * * *

(4) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. Except for assignments made to non-wire line radiocommunications common carriers authorized in the Point-to-Point Microwave Radio Service under Part 21 it may be assigned only when all of the base and mobile frequencies in the 450–470 MHz band for which the applicant is primarily eligible are assigned within 56 km. (35 mi.) of the proposed base station.

* * * * *

12. Section 90.89 is amended by revising paragraph (c)(10) to read as follows:

§ 90.89 Motor Carrier Radio Service.

* * * * *

(c) * * *

(10) This frequency is shared in the Motor Carrier and Railroad Radio Services. It may be assigned only when all of the frequencies in the 450–470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi.) of the proposed base station.

* * * * *

13. Section 90.91 is amended by revising paragraph (c)(10) to read as follows:

§ 90.91 Railroad Radio Service.

* * * * *

(c) * * *

(10) This frequency is shared in the Motor Carrier and Railroad Radio Services. It may be assigned only when all of the frequencies in the 450–470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi.) of the proposed base station.

* * * * *

14. Section 90.93 is amended by revising paragraph (c)(11) to read as follows:

§ 90.93 Taxicab Radio Service.

* * * * *

(c) * * *

(11) This frequency is shared with the Forest Products and Special Industrial Radio Services. Use of this frequency is limited to stations located at least 80.5 km. (50 miles) from the center of any urbanized area of 600,000 or more population (U.S. Census of Population, 1970).

* * * * *

15. Section 90.111 is revised to read as follows:

§ 90.111 Scope.

This subpart contains the procedures and requirements for the submission or filing of applications for authority to operate radio facilities under this part. The procedures described as those utilized by the Commission after receiving filed applications.

16. Section 90.119 is amended by revising paragraph (a)(2)(ii) to read as follows:

§ 90.119 Application forms.

* * * * *

(a) * * *

(2) * * *

(ii) If the control station(s) will operate on the same frequency as the mobile station, and if the height of the control station(s) antenna(s) will not exceed 6.1 meters (20 feet) above ground or an existing man-made structure (other than an antenna structure), there is no limit on the number of such stations which may be authorized. Items 1 through 5 or Form 574 shall be completed showing the frequency, the station class, the total number of control stations, the emission, and the output power of the highest powered control station. Applicants for all control stations in the 470–512 MHz band must furnish the information requested in Items 1–11 of Form 574.

* * * * *

17. Section 90.127 is amended by revising the section heading and paragraph (a) to read as follows:

§ 90.127 Submission and filing of applications.

(a) All applications for station authorizations which require frequency coordination in accordance with § 90.175 and any correspondence relating thereto, must initially be submitted to the certified frequency coordinator for the radio service or frequency group involved. After the completion of frequency coordination, these applications shall be forwarded by the coordinator to the Federal Communications Commission, Gettysburg, Pennsylvania, 17325. All other applications shall be filed by the applicant directly with the Federal Communications Commission, Gettysburg, PA, 17325. A listing of the certified frequency coordinators may be obtained from the Federal Communications Commission, Gettysburg, PA 17325.

* * * * *

18. In § 90.129, the introductory paragraph is revised to read as follows:

§ 90.129 Supplemental information to be routinely submitted with applications.

Each application received by the Commission must be accompanied by the applicable information listed below:

* * * * *

19. Section 90.135 is revised to read as follows:

§ 90.135 Modification of license.

(a) The following changes in authorized stations require an application for modification of license:

(1) Change in frequency.

(2) Change in the type of emission.

(3) Change in power from that authorized.

(4) Change in antenna height from that authorized.

(5) Change in the location or number of base stations, fixed, control, or mobile transmitters from that authorized, including area of mobile operations.

(6) Change in the class of a land station, including changing from multiple licensed to cooperative use, and from shared to unshared use.

(7) Any change in ownership, control, or corporate structure.

(b) The following changes in authorized stations do not require an application for modification of license.

(1) Change in mailing address of licensee.

(2) Change of name only of licensee, without changes in ownership, control, or corporate structure.

(3) Change in the number and location of station control points or of control stations operating below 470 or above 800 MHz meeting the requirements of § 90.119(a)(2)(ii).

(4) Change in the number of mobile units operated by Radiolocation Service licensees.

(5) Any other changes not listed in paragraph (a) of this section.

(c) Unless specifically exempted in § 90.175, requests for modifications listed in paragraph (a) of this section must be submitted on Form 574 to the applicable frequency coordinator.

(d) In case of a change listed in paragraph (b)(1) or (b)(2) of this section, the licensee must notify the Commission immediately. Notification may be by Form 405–A or by letter. The letter must contain the name and address of the licensee as they appear in the Commission's records, the new name or address, the call signs and classes of all radio stations authorized to the licensee under this part and the radio service in which each station is authorized. The completed and signed Form 405–A or the letter must be sent to: Federal Communication Commission, Gettysburg, Pennsylvania 17325. Licensees whose licenses are due for renewal and who have received the renewal Form 574–R in the mail from the Commission must use the appropriate boxes on that form to notify the Commission of a change listed in paragraph (b)(1) or (b)(2) of this section.

(e) In the case of a change listed in paragraphs (b)(3), (b)(4), and (b)(5) of this section, the licensee must notify the Commission within 30 days of the change. The notice may be filed on FCC Form 574 or may be contained in a letter specifying the nature of the change, the name and address of the licensee as appearing on Commission records, and the call sign, class, and radio service of the station. The notice must be sent to: Federal Communications Commission, Gettysburg, Pennsylvania 17325.

20. Section 90.137 is amended by revising paragraph (a) introductory text and adding paragraph (a)(3) to read as follows:

§ 90.137 Applications for operation at temporary locations.

(a) An application for authority to operate a base or a fixed transmitter at temporary locations shall be filed in accordance with the following:

(3) Applications for operation at temporary locations exceeding 180 days must be accompanied by evidence of frequency coordination.

* * * * *

21. Section 90.139 is amended by revising the section heading and paragraph (b) as follows:

§ 90.139 Commission processing of applications.

* * * * *

(b) Applications which are incomplete with respect to answers, supplementary statements, execution, or other matters of a formal character shall be deemed defective and may be dismissed. In addition, if an applicant is requested to file any additional documents or information not included in the prescribed application form, failure to comply with such request will render the application defective and it may be dismissed. Applications will also be deemed to be defective and be dismissed in the following cases:

(1) Statutory disqualification of applicant;

(2) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

* * * * *

22. Section 90.141 is revised to read as follows:

§ 90.141 Resubmitted applications.

Any application received by the Commission for frequencies below 470 MHz which has been returned by the Commission to the applicant for correction will be processed in its original position in the processing line if it is resubmitted and received by the Commission within 60 days from the date on which it was returned to the applicant. Otherwise it will be treated as a new application for the purpose of processing considerations. An application received by the Commission for frequencies above 470 MHz which has been returned by the Commission to the applicant will be processed in its original position in the processing line if it is resubmitted and received by the Commission within 30 days (45 days outside the continental United States) from the date on which it was returned to the applicant. Otherwise it will be treated as a new application for the purpose of processing considerations.

23. Section 90.145 is amended by adding a new paragraph (c) to read as follows:

§ 90.145 Special temporary authority.

* * * * *

(c) Requests for special temporary authority to operate for periods exceeding 180 days require evidence of frequency coordination. Requests for shorter periods do not require coordination and, if granted will be authorized on a secondary, non-interference basis.

24. In § 90.151, paragraphs (a) and (d) are revised to read as follows:

§ 90.151 Requests for waiver.

(a) Requests for waiver of the rules in this part shall state the nature of the waiver or exception desired, and set forth reasons in support thereof including a showing that unique circumstances are involved and that there is no reasonable alternative solution within existing rules. When related to a specific application the submission and filing procedures of § 90.127 also apply.

* * * * *

(d) Requests for waiver of the rules not related to a specific application shall be submitted to the Federal Communications Commission, Gettysburg, PA 17325.

25. Section 90.159 is revised to read:

§ 90.159 Temporary permit.

An applicant for a private land mobile station license utilizing an already authorized facility may operate the radio station(s) for a period of up to 180 days under a temporary permit evidenced by a properly executed temporary license certificate (Form 572) after submitting or filing a formal application for station license in accordance with § 90.127, provided that all the antennas employed by control stations are twenty feet or less above ground or twenty feet or less above a man-made structure other than an

antenna tower to which it is affixed. When required by § 90.175, applications must be accompanied by evidence of frequency coordination. The temporary operation of stations, other than mobile stations within the Canadian coordination zone is limited to stations with a maximum of 5 watts effective radiated power and a maximum antenna height of 6.1 meters (20 ft.) above average terrain.

26. Section 90.175 is revised to read as follows:

§ 90.175 Frequency coordination requirements.

Except for applications listed in paragraph (f) of this section, each application for a new frequency assignment, for a change in existing facilities as listed in § 90.135 (a), for a reinstatement of an authorization expired for more than 6 months, or for operation at temporary locations in accordance with § 90.137, must include a showing of frequency coordination as set forth below. When frequencies are shared by more than one service, concurrence must be obtained from the other applicable certified coordinators.

(a) For frequencies between 25 and 470 MHz. A statement from the applicable frequency coordinator recommending the most appropriate frequency. The coordinator's recommendation may appropriately include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to mitigate potential interference. Except for narrowband operations, the coordinator must not recommend any adjacent channel frequency 15 kHz removed to existing stations which would result in a separation of less than 10 miles, or 7 miles in the Taxicab Radio Service. If the frequency recommended is in the 150–170 MHz band, and is 17.5 kHz or less removed from a frequency which is available to another radio service, the coordinator's statement must show that approval has been received from the coordinator for the other service. Coordination with another service is not required, however, for narrowband assignments more than 5 kHz removed from other narrowband assignments.

(b) For frequencies between 470 and 512 MHz and 806–821/851–866 MHz. A statement from the applicable coordinator recommending specific frequencies which are available for assignment in accordance with the loading standards and mileage separations applicable to the specific radio service or category of user involved.

(c) For frequencies in the 929–930 MHz band. A statement from the coordinator recommending the most appropriate frequency.

(d) Any recommendation submitted in accordance with paragraphs (a), (b) or (c) of this section is advisory in character and is not an assurance that the Commission will grant a license for operation on that frequency. Therefore, applicants are strongly advised not to purchase radio equipment operating on specific frequencies until a valid authorization has been obtained from the Commission.

(e) Applications for facilities near the Canadian border north of line A or east of line C in Alaska may require coordination with the Canadian government. See Section 1.955 of this chapter.

(f) The following applications need not be accompanied by evidence of frequency coordination:

(1) Applications for frequencies below 25 MHz.

(2) Applications for a Federal Government frequency.

(3) Applications for frequencies in the 72–76, 216–220, and 1427–1435 MHz bands.

(4) Applications for a frequency to be used for developmental purposes.

(5) Applications in the Special Industrial Radio Service or the Business Radio Service requesting a frequency designated for itinerant operation only.

(6) Applications in the Radiolocation Service.

(7) Application for 800 MHz trunked frequencies listed in § 90.362 of this part.

(8) Applications for 800 MHz SMRS pool frequencies listed in § 90.617(d) and § 90.619.

(9) Applications indicating license assignments such as change in ownership, control or corporate structure if there is no change in technical parameters.

(10) Applications for mobile stations operating in the 470–512 and 800 MHz bands if the frequency pair is assigned to a single system on an exclusive basis in the proposed area of operation.

(11) Applications for add-on base stations in multiple licensed systems operating in the 470–512 and 800 MHz bands if the frequency pair is assigned to a single system on an exclusive basis.

(12) Applications for control stations operating below 470 or above 800 MHz and meeting the requirements of § 90.119(a)(2)(ii).

27. Section 90.176 is amended by revising paragraphs (a)(1), (a)(3), (b)(1), and (b)(3) to read as follows:

§ 90.176 Interservice sharing of frequencies in the 150–174 and 450–470 MHz bands.

(a) * * *

(1) A determination by the applicable frequency coordinator that there are no satisfactory frequencies available within the applicant's own radio service in the area of desired operation;

* * * * *

(3) A statement from the frequency coordinator having responsibility for coordination in the radio service or group in which the frequency is assigned concurring in its assignment in the manner requested. In cases where concurrence is not given, the coordinator must provide an explanation of why the requested sharing is inappropriate.

* * * * *

(b) * * *

(1) A determination by the applicable frequency coordinator that there are no satisfactory frequencies available within the applicant's own radio service in the area of desired operation;

* * * * *

(3) A statement from the frequency coordinator having responsibility for coordination in the radio service or group in which the frequency in question is assigned concurring in its assignment in the manner proposed. In cases where concurrence cannot be given, the coordinator must provide an explanation of why sharing is inappropriate.

* * * * *

28. In § 90.237, the introductory paragraph is revised to read as follows:

§ 90.237 Interim provisions for operations of radioteleprinter and radiofacsimile devices.

These provisions authorize and govern the use of radioteleprinter and radiofacsimile devices for base station use (other than on mobile-only or paging-only frequencies) in the radio services (except in the Radiolocation and Special Emergency Radio Services) in this part.

* * * * *

29. Section 90.477 is amended by revising paragraph (a) to read as follows:

§ 90.477 Interconnected systems.

(a) Applicants for new land stations to be interconnected with the public switched telephone network must indicate on their applications (class of station code) that their stations will be interconnected. Licensees of land stations that are not interconnected may interconnect their stations with the

public switched telephone network only after modifying their license. See § 90.135. In all cases a detailed description of how interconnection is accomplished must be maintained by licensees as part of their station records. See § 90.433.

* * * * *

30. Section 90.494 is amended by revising paragraph (b) to read as follows:

§ 90.494 One-way paging operations in the 929–930 MHz band.

* * * * *

(b) All applications for these frequencies must comply with the frequency coordination requirements of § 90.175(c).

* * * * *

31. Section 90.605 is revised to read as follows:

§ 90.605 Forms to be used.

Applications for conventional and trunked radio facilities must be prepared on FCC Forms 574 and 574A and must be submitted or filed in accordance with § 90.127.

32. Section 90.607 is amended by adding a new paragraph (e) to read as follows:

§ 90.607 Supplemental information to be furnished by applicants for facilities under this subpart.

* * * * *

(e) Except for applicants requesting frequencies in the SMRS category listed in § 90.617(d) and § 90.619, all applicants for frequencies governed by this subpart must comply with the frequency coordination requirements of § 90.175(b).

33. Section 90.621 is amended by revising paragraphs (a) and (c) to read as follows:

§ 90.621 Selection and assignment of frequencies.

(a) Applications in the Public Safety/Special Emergency, Industrial/Land Transportation, and Business categories and for frequencies in the conventional category must specify the frequencies on which the proposed system will operate pursuant to a recommendation by the applicable frequency coordinator. Applicants for SMRS trunked frequencies may either request specific frequencies by including in their applications justification for the frequencies requested or may request the Commission to select frequencies for the system.

* * * * *

(c) Trunked systems authorized on frequencies in the Public Safety, Industrial/Land Transportation, and Business Categories will be protected solely on the basis of predicted contours. Coordinators will attempt to provide a 40 dBu contour and to limit co-channel interference levels to 30 dBu over an applicant's requested service area. This would result in a mileage separation of 70 miles for typical system parameters. Separations will be less than 70 miles where the requested service areas, terrain or other factors warrant reduction. In the event that the separation, is less than 70 miles, the coordinator must indicate that the protection criteria have been preserved or that the affected licensees have agreed in writing to the proposed system. Only co-channel interference between base station operations will be taken into consideration. Adjacent channel and other types of possible interference will not be taken into account.

* * * * *

34. Section 90.657 is revised to read as follows:

§ 90.657 Temporary permit.

An applicant for a Subpart S radio station license utilizing an already authorized facility may operate the radio station(s) for a period of up to 180 days under a temporary permit evidenced by a properly executed certification of FCC Form 572 after filing a formal application for station license together with evidence of frequency coordination (when required), provided that the antenna(s) employed by the control station(s) is (are) twenty feet or less above ground or twenty feet or less above a man-made structure other than an antenna tower to which it is affixed.

[FR Doc. 86–8912 Filed 4–21–86; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Parts 1, 21, 63, 90 and 94

[Gen. Docket No. 79–163; FCC 85–626]

Environmental Rules in Response to New Regulations Issued by the Council on Environmental Quality

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends §§ 1.1301–1.1319 of the Commission's environmental rules.

This action is taken by the Commission to conform its environmental rules to the regulations issued by the Council on Environmental Quality.

EFFECTIVE DATE: July 21, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: A. Holly Kaufman, Office of General Counsel, (202) 632–6990.

SUPPLEMENTARY INFORMATION: Amendment of Environmental Rules in Response to New Regulations Issued by the Council on Environmental Quality, Gen. Docket 79–163.

This is a summary of the Commission's Report and Order adopted November 25, 1984, and released March 26, 1986. Additional information is contained in the complete Commission decision which is available for viewing and copying during normal business hours in the FCC Dockets Branch (Room 239) 1919 M Street, NW., Washington DC 20554. The full text may also be purchased from the Commission's copy contractor, International Transcription Service, 2100 M St., NW., Suite 140, Washington, DC (202) 857–3800. The public should also be aware that the full text of the Commission's decision is available in the FCC Reports, Pike and Fischer Radio Regulations, as well as other commercial research and copying vendors.

Summary of Report and Order:

1. The Commission has revised its rules to conform to the regulations issued by the Council on Environmental Quality (CEQ), 40 CFR 1500–1508.28, which administers the National Environmental Policy Act, 42 U.S.C. 4321–4361.

2. Based upon the Commission's experience, we have determined that the telecommunications industry does not generally raise environmental concerns. The comments filed in this proceeding support the Commission's determination. Thus, we have categorically excluded most Commission actions from environmental processing requirements. The Commission has reduced to three general areas the types of actions that may have a significant environmental impact to include cases in which facilities: (1) Will be located in sensitive areas (e.g. wildlife preserves); (2) will involve high intensity lighting in residential areas; and/or (3) will expose workers or the general public to levels of radiofrequency radiation which would exceed the applicable health and safety standards set forth in § 1.1307(b) of our rules. Actions that may have a significant environmental impact are subject to environmental processing requirements. In addition, the rules include a "safety value" provision,