

2. Section 558.76 is amended by adding new paragraph (d)(3)(xi) to read as follows:

**§ 558.76 Bacitracin methylene disalicylate.**

- (d) \* \* \*
- (3) \* \* \*
- (xi) Halofuginone hydrobromide and roxarsone in accordance with § 558.265.

3. Section 558.265 is amended by adding new paragraph (c)(5) to read as follows:

**§ 558.265 Halofuginone hydrobromide.**

- (c) \* \* \*
- (5) Amount per ton. Halofuginone hydrobromide 2.72 grams (0.0003 percent) plus bacitracin methylene disalicylate 10 to 50 grams and roxarsone 22.7 to 45.4 grams.
- (i) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*; for increased rate of weight gain; and for improved feed efficiency.
- (ii) *Limitations.* Feed continuously as sole ration; withdraw 5 days before slaughter; use as sole source of organic arsenic; do not feed to layers; avoid contact with skin, eyes, or clothing; keep out of lakes, ponds, or streams.

4. Section 558.530 is amended by adding new paragraph (d)(4)(v) to read as follows:

**§ 558.530 Roxarsone.**

- (d) \* \* \*
- (4) \* \* \*
- (v) Roxarsone may be used in combination with halofuginone hydrobromide and bacitracin methylene disalicylate as in § 558.265.

Dated: January 7, 1988.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 88-733 Filed 1-14-88; 8:45 am]

BILLING CODE 4160-01-M

**PENSION BENEFIT GUARANTY CORPORATION**

**29 CFR Part 2676**

**Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Interest Rates**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR Part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under Sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of February 1988.

**EFFECTIVE DATE:** February 1, 1988.

**FOR FURTHER INFORMATION CONTACT:** Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; 202-778-8820 (202-778-8859 for TTY and TDD). (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market

conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (See 5 U.S.C. 533 (b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of \$100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

**List of Subjects in 29 CFR Part 2676**

Employee benefit plans, Pensions.

In consideration of the foregoing, Part 2676 of Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

**PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL**

1. The authority citation for Part 2676 continues to read as follows:

**Authority:** 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

**§ 2676.15 Interest.**

(c) Interest rates.

| For valuation<br>dates occurring<br>in the month— | The values of $i_t$ are— |       |       |       |       |        |        |        |        |          |          |          |          |          |          |          |
|---------------------------------------------------|--------------------------|-------|-------|-------|-------|--------|--------|--------|--------|----------|----------|----------|----------|----------|----------|----------|
|                                                   | $i_1$                    | $i_2$ | $i_3$ | $i_4$ | $i_5$ | $i_6$  | $i_7$  | $i_8$  | $i_9$  | $i_{10}$ | $i_{11}$ | $i_{12}$ | $i_{13}$ | $i_{14}$ | $i_{15}$ | $i_{16}$ |
| February 1988....                                 | .10125                   | .0975 | .0925 | .0875 | .0825 | .07625 | .07625 | .07625 | .07625 | .07625   | .07      | .07      | .07      | .07      | .07      | .06      |

Issued at Washington, DC, on this 12th day of January 1988.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 88-797 Filed 1-14-88; 8:45 am]

BILLING CODE 7708-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[FRL-3310-3]

### Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** EPA today approves a new Oregon Department of Environmental Quality (DEQ) rule regulating the height of stacks and the use of dispersion techniques, submitted on May 30, 1986, which replaces the existing rules for stack heights and dispersion techniques, as a revision to the Oregon State Implementation Plan (SIP). This revision was submitted to satisfy the requirements of section 123 (Stack Heights) of the Clean Air Act (hereinafter the Act).

**EFFECTIVE DATE:** This action will be effective on March 15, 1988, unless notice is received before February 16, 1988, that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period on this action.

**ADDRESSES:** Copies of the materials submitted to EPA may be examined during normal business hours at:

Public Information Reference Unit,  
Environmental Protection Agency, 401  
M Street SW., Washington, DC 20460  
Air Programs Branch (10A-86-7),  
Environmental Protection Agency,  
1200 Sixth Avenue, Seattle,  
Washington 98101

State of Oregon, Department of  
Environmental Quality, Yeon Building,  
522 SW Fifth Avenue, Portland,  
Oregon 97207

Comments should be addressed to:  
Laurie M. Kral, Air Programs Branch,  
AT-092, Environmental Protection  
Agency, 1200 Sixth Avenue, Seattle,  
Washington 98101.

### FOR FURTHER INFORMATION CONTACT:

David C. Bray, Air Programs Branch,  
AT-092, Environmental Protection  
Agency, 1200 Sixth Avenue, Seattle,  
Washington 98101. Telephone: (206) 442-  
4253, FTS: 399-4253.

**SUPPLEMENTARY INFORMATION:** On May 30, 1986, the Oregon Department of Environmental Quality (DEQ) submitted a new rule regulating the use of stack heights and dispersion techniques (OAR 340-20-037) as a revision to the Oregon State Implementation Plan (SIP). This new Section adopts the EPA stack height regulations from 40 CFR Part 51 by reference (specifically, 40 CFR 51.1 (ff) through (kk), 51.12 (j) and (k), and 51.18(l) <sup>1</sup>). The existing rules for stack heights and dispersion techniques (OAR 340-20-340 and 345) have been rescinded and are replaced by the new section. However, the DEQ inadvertently failed to adopt the EPA definition of the terms "emission limitation" and "emission standard" from 40 CFR 51.1(z) which is necessary for proper implementation of the other stack height provisions. In an October 23, 1987, letter from the Director of the DEQ to the EPA Regional Administrator, the DEQ committed to adding a definition of these terms to its administrative rules in the near future and, in the interim, implement their existing rules consistent with the EPA definition. EPA is therefore approving the new rule as a revision to the Oregon SIP, replacing the existing rules, with the understanding that a definition of the terms "emission limitation" and "emission standard" will be added when the rules are next revised.

The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on the revision approved herein, the action on the revision will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on the revision and another will begin a new rulemaking by announcing a proposal of the action on the revision and establish a comment period.

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

Under 5 U.S.C. 605(b), I certify that this revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

Under section 307(b)(1) of the Act, petitions for judicial review of this

<sup>1</sup> EPA has recently recodified these sections as follows: § 51.1 (ff) through (kk) as § 51.100 (ff) through (kk); § 51.12(j) as § 51.118(a); § 51.12(k) as § 51.118(b); and § 51.18(l) as § 51.164. The DEQ has indicated that they will revise the codification in their regulations accordingly.

action must be filed in the United States Court of Appeals for the appropriate circuit by March 15, 1988. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

### List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 24, 1987.

Lee M. Thomas,

Administrator.

**Note.**—Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

### PART 52—[AMENDED]

#### Subpart MM—Oregon

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1970 is amended by adding paragraph (c)(78) to read as follows:

#### § 52.1970 Identification of plan.

\* \* \*

(c) \* \* \*

(78) On May 30, 1986, the State of Oregon Department of Environmental Quality submitted a new rule, OAR 340-20-037 "Stack Heights and Dispersion Techniques" and requested the deletion of the existing rules, OAR 340-20-340 and 345 "Stack Heights and Dispersion Techniques". On October 23, 1987, the State of Oregon Department of Environmental Quality submitted a letter indicating how this new rule will be implemented until a definition of the terms "emission limitation" and "emission standard" is added

(i) Incorporation by reference.

(A) Letter of May 30, 1986, from the Oregon State Department of Environmental Quality to EPA Region 10. Revisions to the Oregon Administrative Rules, Chapter 340, Division 20, Section 037 "Stack Heights and Dispersion Techniques", adopted by the Environmental Quality Commission on April 25, 1986.

(B) Letter of October 23, 1987, from the Oregon State Department of Environmental Quality to EPA Region 10.

3. Section 52.1988 is amended by revising paragraph (a) to read as follows:

**§ 52.1988 Air contaminant discharge permits.**

(a) Emission limitations and other provisions contained in Air Contaminant Discharge Permits issued by the State in accordance with the provisions of the federally-approved Air Contaminant Discharge Permit Rules (OAR 340-20-140 through 185), New Source Review Rules (OAR 340-20-220 through 276), Stack Heights and Dispersion Techniques Rules (OAR 340-20-37), and Plant Site Emission Limit Rules (OAR 340-20-300 through 320), except Alternative Emission Limits (Bubble) for sulfur dioxide or total suspended particulates which involve trades were the sum of the increases in emissions exceeds 100 tons per year, shall be the applicable requirements of the federally-approved Oregon SIP (in lieu of any other provisions) for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by any person in the same manner as other requirements of the SIP.

[FR Doc. 88-822 Filed 1-14-88; 8:45 am]

BILLING CODE 6560-50-M

**40 CFR Part 52**

[FRL-3306-2]

**Approval and Promulgation of State Implementation Plan: Oregon**

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

**ACTION:** Final rule.

**SUMMARY:** This rulemaking action approves the Oregon State Implementation Plan (SIP) revision pertaining to the carbon monoxide (CO) attainment plan for the Grants Pass area. The CO plan relies upon the construction of a third bridge over the Rogue River to relieve traffic congestion in the downtown nonattainment area, as well as the Federal Motor Vehicle Emission Control Program to demonstrate attainment of the CO standard by December, 1990. This SIP revision was submitted to EPA by the Oregon Department of Environmental Quality on November 24, 1986, and was supplemented on January 8, 1987.

**EFFECTIVE DATE:** March 15, 1988.

**ADDRESSES:** Copies of the materials submitted to EPA may be examined during normal business hours at:

Public Information, Reference Unit,  
Environmental Protection Agency, 401  
M Street SW., Washington, DC 20460  
Air Programs Branch (10A-87-1),  
Environmental Protection Agency,  
1200 Sixth Avenue, Seattle,  
Washington 98101

State of Oregon, Department of  
Environmental Quality, Executive  
Building, 811 SW. 6th Avenue,  
Portland, Oregon 97204

**FOR FURTHER INFORMATION CONTACT:**  
David S. Kircher, Air Programs Branch,  
AT-092, Environmental Protection  
Agency, 1200 Sixth Avenue, Seattle,  
Washington 98101, Telephone: (206) 442-  
4198, FTS: 399-4198.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On December 16, 1985, Grants Pass, Oregon, was designated a newly discovered nonattainment area for CO (50 FR 51251). As a newly discovered area, the EPA policies contained in the EPA Policy Statement on post-1982 attainment areas, November 2, 1983 (48 FR 50686) and in the "Guidance Document for Correction of Part D SIP's for Nonattainment Areas," January 27, 1984, apply. In essence, newly designated nonattainment areas must meet requirements for 1979 SIP's as described in the Preamble for SIP Approval of Part D SIP's (April 4, 1979, 44 FR 2072). In accordance with the policies stated therein, the Grants Pass plan projects attainment by December, 1990, which is within the five-year time limit from the date of the nonattainment designation.

The plan calls for the construction of a third bridge over the Rogue River in conjunction with the Federal Motor Vehicle Emission Control Program to bring the area into attainment. For a detailed description of the plan, refer to the proposed rulemaking that was published on July 15, 1987 (52 FR 26534).

**II. Response to Comments**

On July 15, 1987 (52 FR 26534), EPA provided a 30 day public comment period on this proposed approval. No comments were received.

**III. Final Rulemaking Action**

Today, EPA is approving the Grants Pass, Oregon, carbon monoxide (CO) plan and the established attainment date of December, 1990, as a revision to the existing SIP.

**IV. Administrative Review**

Under 5 U.S.C. section 605(b), I certify that this revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 15, 1988. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

The Office of Management and Budget has exempted this rule from the requirement of section 3 of Executive Order 12291.

**List of Subjects in 40 CFR Part 52**

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: November 20, 1987.

Lee M. Thomas,  
Administrator.

**Note.**—Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

**Subpart MM—Oregon**

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1970 is amended by adding paragraph (c)(82) to read as follows:

**§ 52.1970 Identification of plan.**

• • • • •

(c) • • •

(82) On November 24, 1986 and supplemented on January 8, 1987, the Director of the Department of Environmental Quality submitted the Grants Pass carbon monoxide control strategy as a revision to the Oregon State Implementation Plan.

(i) Incorporation by reference.

(A) Letter dated November 24, 1986 from the Director of the Department of Environmental Quality to EPA Region 10.

(B) State of Oregon Clean Air Act Implementation Plan Section 4.11 Grants Pass Carbon Monoxide Control Strategy as adopted by the Environmental Quality Commission on October 24, 1986.

(ii) Additional information.

(A) Letter dated January 8, 1987 from the Director of the Department of Environmental Quality to EPA Region X.

(B) Technical appendices for the Grant Pass Carbon Monoxide Control Strategy, Appendix 4.11.1 through 10.

3. Section 52.1973 is amended by revising the table to read as follows:

§ 52.1973 Attainment dates for national standards.

| Air Quality Control Region and nonattainment area | Pollutant        |                  |                  |                  |                 |    |                |
|---------------------------------------------------|------------------|------------------|------------------|------------------|-----------------|----|----------------|
|                                                   | TSP              |                  | SO <sub>2</sub>  |                  | NO <sub>2</sub> | CO | O <sub>3</sub> |
|                                                   | 1st <sup>1</sup> | 2nd <sup>2</sup> | 1st <sup>1</sup> | 2nd <sup>2</sup> |                 |    |                |
| <b>Portland Interstate AQCR</b>                   |                  |                  |                  |                  |                 |    |                |
| Interstate AQCR (Washington portion):             |                  |                  |                  |                  |                 |    |                |
| 1. Portland-Vancouver (Oregon portion) .....      | a                | f                | a                | b                | b               | h  | b              |
| 2. Salem .....                                    | a                | b                | a                | b                | b               | e  | b              |
| 3. Eugene-Springfield AQMA .....                  | a                | i                | a                | b                | b               | h  | b              |
| 4. Remainder of AQCR .....                        | c                | c                | a                | b                | b               | d  | c              |
| Southwest Oregon Intrastate AQCR:                 |                  |                  |                  |                  |                 |    |                |
| 1. Medford-Ashland AQMA .....                     | i                | k                | a                | b                | b               | i  | b              |
| 2. Grants Pass .....                              | c                | c                | a                | b                | b               | i  | b              |
| 3. Remainder of AQCR .....                        | c                | c                | a                | b                | b               | b  | b              |
| Northwest Oregon Intrastate AQCR .....            | a                | b                | a                | b                | b               | b  | b              |
| Central Oregon Intrastate AQCR .....              | a                | c                | a                | b                | b               | b  | b              |
| Eastern Oregon Intrastate AQCR .....              | c                | c                | a                | b                | b               | b  | b              |

<sup>1</sup> 1st—Primary.

<sup>2</sup> 2nd—Secondary.

<sup>a</sup> Area designated as having air quality levels presently below the primary standards or area is unclassifiable.

<sup>b</sup> Area designated as having air quality levels presently below secondary standards or area is unclassifiable.

<sup>c</sup> May, 1975.

<sup>d</sup> May 31, 1976.

<sup>e</sup> Dec. 31, 1982.

<sup>f</sup> Dec. 31, 1986.

<sup>g</sup> [Reserved]

<sup>h</sup> Dec. 31, 1985.

<sup>i</sup> Dec. 31, 1987.

<sup>j</sup> [Reserved]

<sup>k</sup> Dec. 31, 2000.

<sup>l</sup> Dec. 31, 1990.

[FR Doc. 88-821 Filed 1-14-88; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 763

[OPTS-62050A; FRL-3215-5]

#### Asbestos Abatement Projects; Worker Protection; Technical Amendment

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

**ACTION:** Final rule; Technical amendment.

**SUMMARY:** This document makes corrections to the final rule for Asbestos Abatement Projects; Worker Protection (40 CFR Part 763) which appeared in the Federal Register of February 25, 1987 (52 FR 5618).

**DATE:** This technical amendment is effective January 15, 1988.

#### FOR FURTHER INFORMATION CONTACT:

Edward A. Klein, Director, TSCA Assistance Office (TS-799), Environmental Protection Agency, Rm. E-543, 401 M Street SW., Washington, DC 20460. Telephone: (202) 554-1404.

**SUPPLEMENTARY INFORMATION:** On February 25, 1987 (52 FR 5618), the Environmental Protection Agency (EPA)

issued a final rule titled "Asbestos Abatement Projects; Worker Protection." The EPA rule adopted many of the provisions of the Occupational Safety and Health Administration's (OSHA) rule titled "Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite: Final Rules" published on June 20, 1986 (51 FR 22612). On May 12, 1987 (52 FR 17752), OSHA published technical amendments to their above cited rule. In reviewing the OSHA technical amendment notice, EPA found that some of the OSHA amendments are applicable to the EPA "Asbestos Abatement Projects; Worker Protection." Accordingly, EPA is issuing this notice to make technical amendments corresponding to OSHA's technical amendments and to correct minor typographical errors in the EPA "Asbestos Abatement Projects; Worker Protection" rule.

Accordingly, the preamble to FR Doc. 87-3645 published in 52 FR 5618-5650 February 25, 1987, is corrected as follows: Corrections to the preamble:

1. On page 5618, column 3, third full paragraph, two lines from the bottom, "Units V.C." is corrected to read "Units I.V.C."

2. On page 5619:

a. Column 1, line 2, "V.C." is corrected to read "I.V.C."

b. Column 2, first full paragraph, under "B. Air Monitoring", line 20, "Unit V.C." is corrected to read "Unit I.V.C."

c. Column 3, second full paragraph, line 1, "Section 763.121(e)(6)(iv)" is corrected to read "Section 763.121(e)(6)(iii)(B)".

3. On page 5620, column 3, under "I. Housekeeping", line 1, "Section 763.121(1)" is corrected to read "Section 763.121".

4. On page 5621, column 2, second full paragraph, line 16, "Section 763.122(a)(1)" is corrected to read "Section 763.122(a)".

5. On page 5622, column 3, first full paragraph, line 15, "safe" is corrected to read "same".

6. On page 5623, column 2, first full paragraph, line 4, insert "million" after "\$4.2".

#### List of Subjects in 40 CFR Part 763

Asbestos. Environmental protection. Hazardous substances. Health and safety. Recordkeeping and reporting requirements.

Dated: December 31, 1987.

Victor J. Kimm,

Acting Assistant Administrator, Office of  
Pesticides and Toxic Substances.

## PART 763—[AMENDED]

Therefore, 40 CFR Part 763 is amended as follows:

1. The authority citation for Part 763 continues to read as follows:

Authority: 15 U.S.C. 2605 and 2607(c).  
Subpart E also issued under 15 U.S.C. 2641,  
2643, 2646, and 2647.

### § 763.121 [Amended]

2. In § 763.121:

a. In paragraph (h)(2)(iv), in Table 1, line 2 under the "Required respirator" column, insert "other than a disposable respirator" before "equipped".

b. In paragraph (k)(3)(i), line 4, "asbestos in excess of the action level" is revised to read "asbestos at or above the action level".

c. Paragraph (k)(3)(ii) is revised to read as follows: "Training shall be provided prior to or at the time of initial assignment, [unless the employee has received equivalent training within the previous 12 months] and at least annually thereafter."

d. In paragraph (k)(3)(iii)(G), line 2 is revised to read "requirements; and".

e. In paragraph (k)(3)(iii)(H), line 1, "A review" is revised to read "The content".

f. In paragraph (m)(3)(i), line 2, "D, E, and F" is corrected to read "D and E".

### Appendix A to § 763.121—EPA/OSHA Reference Method—Mandatory

3. Under "Sampling and Analytical Procedure":

a. Item 2., line 3, "50-mm extension cowl" is revised to read "50-mm electrically conductive extension cowl."

b. Item 13.b., line 1, "Count all particles" is revised to read "In the absence of other information, count all particles".

### Appendix B to § 763.121—Detailed Procedure for Asbestos Sampling and Analysis—Non-Mandatory

4. Under "Detailed Procedure for Asbestos Sampling and Analysis—Non-Mandatory," in the "Flow rate" entry, "1/min" signifying liters per minute, is revised to read "L/min", the four times it appears.

5. Under "Equipment," item 1., line 2, "50-mm extension cowl" is revised to read "50-mm electrically conductive extension cowl".

6. Under "Sampling":

a. Item 4., in the equation on the left side, "min" is revised to read "minimum".

b. In the note, last line, "sampler" is revised to read "sample".

7. Under "Calculations," item 21., the equation is revised to read:

$$E = [F/n_f - (B/n_b)] \text{ fibers/mm}^2$$

$A_i$

where:

$n_f$ —number of fields in submission sample

$n_b$ —number of fields in bulk sample

### Appendix C to § 763.121—Qualitative and Quantitative Fit Testing Procedures—Mandatory

8. Under "I. Isoamyl Acetate Protocol":

a. In "C. Fit test," item 15., remove the last two sentences.

b. Item 20.(3), "prothesis" is corrected to read "prosthesis".

9. Under "II. Saccharin Solution Aerosol Protocol":

a. Item 14., line 2, "IAA" is revised to read "saccharin solution aerosol".

b. Item 20.(3), line 2, "prothesis" is corrected to read "prosthesis".

10. Under "III. Irritant Fume Protocol":

a. Paragraph (A), line 4, "combination of high-efficiency and acid gas cartridges" is revised to read "high-efficiency cartridge."

b. Item 8.v., line 3, "Reading it" is revised to read "Repeating it after the test conductor (keeping eyes closed)".

c. Item 12., line 2, "IAA" is revised to read "irritant fume".

d. Item C.3.c., line 3, "particular" is revised to read "particulate".

e. Item C.4.a., line 5, "Norton" is revised to read "North".

f. Item C.4.a.(2), line 2, "negative pressure slight" is revised to read "negative pressure of slight."

g. Item C.5.e., is revised to read "Reading (R). The test subject (keeping eyes closed) shall repeat after the test conductor the 'rainbow passage' at the end of this section. The subject shall talk slowly aloud so as to be heard clearly by the test conductor or monitor."

h. In item C.5.h., line 2, delete "perform".

i. In item C.6., delete "(see paragraph 4.h)".

### Appendix E to § 763.121—Interpretation and Classification of Chest Roentgenograms—Mandatory

11. Paragraph (a) is revised to read as follows: "Chest roentgenograms shall be interpreted and classified in accordance with a professionally accepted classification system and recorded on an interpretation form following the format of the CDC/NIOSH (M) 2.8 form. As a minimum, the content within the

boldlines of this form (items 1 through 4) shall be included. This form is not to be submitted to NIOSH."

[FR Doc. 88-631 Filed 1-14-88; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 0 and 90

[GEN Docket No. 87-112, FCC 87-359]

### Public Safety Radio Services, Assignment of Frequencies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission has adopted rules and technical standards for use of the 821-824/866-869 MHz bands by public safety licensees. These rules are included in the National Plan for Public Safety, which is contained in this Report and Order. In addition to the issuance of technical guidelines for the use of this spectrum, the National Plan also provides direction to local, state, and federal authorities in the development of regional public safety plans.

**EFFECTIVE DATE:** February 16, 1988.

### FOR FURTHER INFORMATION CONTACT:

Marty Liebman, Policy and Planning Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 632-6497 or Fred Thomas, Frequency Allocation Branch, Spectrum Engineering Division, Office of Engineering and Technology (202) 653-8112.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, GEN Docket No. 87-112, adopted November 24, 1987, and released December 18, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC 20554. 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 NW., Suite 140, Washington, DC 20037.

### Summary of Report and Order

1. This Report and Order establishes the policies and rules for a national plan for public safety services (The National Plan). In particular, it sets forth the service rules and technical standards for the 821-824/866-869 MHz bands which the Commission allocated for public safety use in 1986. In adopting this

Report and Order, the Commission is responding to a 1983 Congressional mandate directing the FCC to establish a plan to ensure that public safety needs are taken into account in making allocations of the electromagnetic spectrum.

2. The National Plan is intended to satisfy two broad objectives. First, it will facilitate interoperability between communications systems to permit local, state, and federal agencies to coordinate their activities; and second, the Plan will ensure efficient use of the spectrum allocated for public safety.

3. The Plan sets national policy guidelines and technical standards for use of the new spectrum while also allowing regional public safety planners to develop regional plans tailored to their areas' own particular communications needs. The regional plans will be prepared by regional planning committees in the forty-eight regions established in the Order, under the general oversight of the Commission. Those plans will address the spectrum utilization requirements of all of the public safety and special emergency entities of the regions.

4. The National Plan permits entities in both the Public Safety Radio Services and the Special Emergency Radio Service to obtain licenses in the new 821-824/866-869 MHz spectrum. In instances where the demand for frequencies exceeds the available spectrum, the Plan will allow the individual regional planning committees to recommend which entities should receive spectrum, based on the committees' determination as to which are most important to the protection of life and property. The regional plans will be submitted to the Commission. The Commission will solicit comment on each plan and review it for compliance with the National Plan. No licenses will be granted to operate in this spectrum in any region until the plan for that region is accepted by the Commission.

5. The Plan mandates that the new 800 MHz bands will consist of 25 kHz channels spaced 12.5 kHz apart ("12.5 kHz offset"). In making this determination, the Commission found that this channeling plan would be spectrum efficient, would enable interoperability with existing 800 MHz public safety systems, and would accommodate sophisticated digital encryption systems and digital data communications systems.

6. The Plan also establishes five Mutual Aid Channels in the 821-824/866-869 MHz bands. These frequencies will be used to enable local, state and federal public safety entities to

communicate with one another in times of emergency.

7. Finally, in an effort to promote efficient use of the spectrum, the Plan will require that trunked systems be utilized by licensees having more than four channels, and that loading standards currently applicable to existing 800 MHz public safety services be applicable to the new 800 MHz allocation.

8. The National Plan also addresses a series of other issues, such as federal agency concerns and the use of cellular radio and mobile satellite systems, and provides guidance to the regions in the allocation of vacated (lower-band) frequencies and in the assignment of unused 800 MHz frequencies.  
*Regulatory Flexibility Act Final Analysis*

9. 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.

10. The Secretary shall cause a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with section 603(a) of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*) (1981).

#### *Paperwork Reduction Act Statement*

11. The decisions contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose a new information collection requirement on the public as a result of the creation of regional planning committees and the requirement that they prepare and submit a regional plan to the Commission. Implementation of new or modified requirements will be subject to approval by the Office of Management and Budget as prescribed by the Act.

#### **Ordering Clauses**

12. Accordingly, it is ordered that, pursuant to the authority of sections 4(i), 301 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i), 301, and 303(r) Parts 0 and 90 of the Commission's Rules, 47 CFR Parts 0 and 90 are amended as set forth below.

13. It is further ordered that this Order will become effective February 16, 1988.

14. It is further ordered that this proceeding is terminated.

#### **List of Subjects**

##### *47 CFR Part 0*

Organization and functions (Government agencies).

##### *47 CFR Part 90*

Radio.

#### **Amendatory Text**

A. 47 CFR Part 0 is amended as follows:

#### **PART 0—[AMENDED]**

15. The authority citation for Part 0 continues to read:

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

16. New § 0.335 is added to read as follows:

**§ 0.335 Authority delegated jointly to the Chief of the Private Radio Bureau and the Chief Engineer.**

Authority is delegated jointly to the Chief of the Private Radio Bureau and the Chief Engineer to review and accept regional plans submitted and modifications thereto as required under the public safety National Plan adopted in General Docket 87-112.

B. 47 CFR Part 90 is amended as follows:

#### **PART 90—[AMENDED]**

17. 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.

18. New § 90.16 is added to read as follows:

##### **§ 90.16 Public Safety National Plan.**

The Commission has established a National Plan which specifies special policies and procedures governing the Public Safety Radio Services and the Special Emergency Radio Service. The National Plan is contained in the Report and Order in General Docket No. 87-112. The principal spectrum resource for the National Plan is the 821-824 MHz and the 866-869 MHz bands. The National plan establishes planning regions covering all parts of the United States, Puerto Rico, and the U.S. Virgin Islands. No assignments will be made in the 821-824 MHz and 866-869 MHz bands until a regional plan for the area has been accepted by the Commission.

##### **§ 90.17 [Amended]**

19. The frequency table in paragraph (b) of § 90.17 is amended by revising frequency band "806-821" to read "806-

824" and revising frequency band "851-866" to read "851-869".

20. Paragraph (c)(15) of § 90.17 is revised to read:

(c) \* \* \*

(15) Subparts M and S contain rules for assignment of frequencies in the 806-824 MHz and 851-869 MHz bands.

#### § 90.19 [Amended]

21. The frequency table in paragraph (d) of § 90.19 is amended by revising frequency band "806-821" to read "806-824" and revising frequency band "851-866" to read "851-869".

22. Paragraph (e)(22) of § 90.19 is revised to read:

(e) \* \* \*

(22) Subparts M and S contain rules for assignment of frequencies in the 806-824 MHz and 851-869 MHz bands.

#### § 90.21 [Amended]

23. The frequency table in paragraph (b) of § 90.21 is amended by revising frequency band "806-821" to read "806-824" and revising frequency band "851-866" to read "851-869".

24. Paragraph (c)(10) of § 90.21 is revised to read:

(c) \* \* \*

(10) Subparts M and S contain rules for assignment of frequencies in the 806-824 MHz and 851-869 MHz bands.

#### § 90.23 [Amended]

25. The frequency table in paragraph (b) of § 90.23 is amended by revising frequency band "806-821" to read "806-824" and revising frequency band "851-866" to read "851-869".

26. Paragraph (c)(10) of § 90.23 is revised to read:

(c) \* \* \*

(10) Subparts M and S contain rules for assignment of frequencies in the 806-824 MHz and 851-869 MHz bands.

#### § 90.25 [Amended]

27. The frequency table in paragraph (b) of § 90.25 is amended by revising frequency band "806-821" to read "806-824" and revising frequency band "851-866" to read "851-869".

28. Paragraph (c)(16) of § 90.25 is revised to read:

(c) \* \* \*

(16) Subparts M and S contain rules for assignment of frequencies in the 806-824 MHz and 851-869 MHz bands.

29. New § 90.34 is added to read as follows:

#### § 90.34 Public Safety National Plan.

The Commission has established a National Plan which specifies special policies and procedures governing the Public Safety Radio Services and the Special Emergency Radio Service. The National Plan is contained in the *Report and Order* in General Docket No. 87-112. The principal spectrum resource for the National Plan is the 821-824 MHz and the 866-869 MHz bands. The National plan establishes planning regions covering all parts of the United States, Puerto Rico, and the U.S. Virgin Islands. No assignments will be made in the 821-824 MHz and 866-869 MHz bands until a regional plan for the area has been accepted by the Commission.

#### § 90.53 [Amended]

30. The frequency table in paragraph (a) of § 90.53 is amended by revising frequency band "806-821" to read "806-824" and revising frequency band "851-866" to read "851-869".

31. Paragraph (b)(21) of § 90.53 is revised to read:

(b) \* \* \*

(21) Subparts M and S contain rules for assignment of frequencies in the 806-824 MHz and 851-869 MHz bands.

32. Section 90.175 is amended by revising paragraph (b) to read as follows:

#### § 90.175 Frequency coordination requirements.

(b) For frequencies between 470 and 512 MHz, 806-824/851-869 MHz, and 896-901/935-940 MHz: A statement from the applicable coordinator recommending specific frequencies that are available for assignment in accordance with the loading standards and mileage separations applicable to the specific radio service or category of user involved.

33. Section 90.203 is amended by adding a new paragraph (i) to read as follows:

#### § 90.203 Type acceptance required.

(i) Equipment type accepted after February 16, 1988 and marketed for public safety operation in the 821-824/866-869 MHz bands must have the capability to be programmed for

operation on the mutual aid channels as designated in § 90.617(a) of the Rules.

#### § 90.205 [Amended]

34. The frequency table in paragraph (b) of § 90.205 is amended by revising frequency band "806 to 821" to read "806 to 824" and revising frequency band "851 to 866" to read "851 to 869".

35. Section 90.209 is amended by revising paragraph (b)(4), by redesignating existing paragraphs (i) and (j) as new paragraphs (j) and (k), respectively, and by adding a new paragraph (i) to read as follows:

#### § 90.209 Bandwidth limitations.

(b) \* \* \*

(4) For all F3E or G3E emissions on frequencies below 947 MHz, except for the frequency bands 896 to 901 MHz and 935 to 940 MHz, maximum authorized bandwidth shall be 20 kHz. Except for frequencies in the 821-824 and 866-869 MHz bands, the maximum authorized frequency deviation shall be 5 kHz. For frequencies in the 821-824 and 866-869 MHz bands the maximum authorized frequency deviation shall be 4 kHz. Stations authorized for operation on or before December 1, 1961, in the frequency band 73.0-74.6 MHz may continue to operate with a bandwidth of 40 kHz and a deviation of 15 kHz. For stations operating on frequencies above 947 MHz, except as provided in paragraph (b)(5) of this section, the maximum authorized bandwidth and frequency deviation will be specified in the station authorization.

(i) For transmitters that operate in the frequency bands 821-824 and 866-869 MHz that are not equipped with an audio low-pass filter in accordance with the provisions of § 90.211(d)(1), the power of any emission shall be attenuated below the unmodulated carrier power (P) in accordance with the following schedule:

(1) On any frequency removed from the center of the authorized bandwidth by a displacement frequency ( $f_d$  in kHz) of 4 kHz or less: 0 dB.

(2) On any frequency removed from the center of the authorized bandwidth by a displacement frequency ( $f_d$  in kHz) of more than 4 kHz up to and including 8.5 kHz: At least  $107 \log_{10}(f_d/4)$ .

(3) On any frequency removed from the center of the authorized bandwidth by a displacement frequency ( $f_d$  in kHz) of more than 8.5 kHz up to and including 15 kHz: At least  $40.5 \log_{10}(f_d/1.16)$ .

(4) On any frequency removed from the center of the authorized bandwidth by a displacement frequency ( $f_d$  in kHz)

of more than 15 kHz up to and including 25 kHz: At least  $116 \log_{10}(f_d/6.1)$ .

(5) On any frequency removed from the center of the authorized bandwidth by more than 25 kHz: At least  $43 + \log_{10}$  (output power in watts), or 80 dB, whichever is lesser attenuation.

36. Section 90.211(d) is amended by revising the introductory text and paragraph (d)(1)(ii), and by amending paragraph (d)(2) by changing the reference to "(i)" to read "(j)" in the two places in which it appears to read as follows:

#### § 90.211 Modulation requirements.

(d) Each transmitter shall meet the requirements provided in paragraph (d) (1) or (2) of this section. The requirements of this paragraph do not apply to mobile stations that are authorized to operate with a maximum power output of 2 watts or less or to any radio-telecommunication system operating wholly within the limits of one or more of the territories or possessions of the United States, or Alaska, or Hawaii, except those systems operating in the frequency ranges 806 to 824 MHz, 851 to 869 MHz, 896 to 901 MHz, and 935 to 940 MHz.

(1) \* \* \*

(i) \* \* \*

(ii) For transmitters that operate in the frequency band of 450 to 470 MHz and that are authorized on or after November 1, 1967, and transmitters that operate in the frequency bands of 470 to 512 MHz, 806 to 824 MHz, 851 to 869 MHz, 929 to 930 MHz, and Traveler's Information Stations on 530 and 1610 kHz, the attenuation of the low-pass filter between the frequencies of 3 kHz and 20 kHz shall be greater than the attenuation at 1 kHz by at least:  $60 \log_{10}(f/3)$  decibels where "f" is the frequency in kHz. At frequencies above 20 kHz, the attenuation shall be 50 decibels greater than the attenuation at 1 kHz.

37. Section 90.213 is amended by inserting two lines in numerical order in the Table following paragraph (a) as follows:

#### § 90.213 Frequency tolerance.

(a) \* \* \*

##### FREQUENCY TOLERANCE

| Frequency range (MHz) | Fixed and base stations |                            | Mobile stations               |                          |
|-----------------------|-------------------------|----------------------------|-------------------------------|--------------------------|
|                       | Over 200 W output power | 200 W or less output power | Over 2 W or less output power | 2 W or less output power |
| 821 to 824            | .0001                   | .0001                      | .00015                        | .00015                   |

##### FREQUENCY TOLERANCE—Continued

| Frequency range (MHz) | Fixed and base stations |                            | Mobile stations               |                          |
|-----------------------|-------------------------|----------------------------|-------------------------------|--------------------------|
|                       | Over 200 W output power | 200 W or less output power | Over 2 W or less output power | 2 W or less output power |
| 866 to 869            | .0001                   | .0001                      | .00015                        | .00015                   |

\* \* \* Control stations may operate with the frequency tolerance specified for associated mobile stations.

38. Section 90.477 is amended by revising paragraph (b) to read as follows:

#### § 90.477 Interconnected systems.

(b) In the frequency ranges 806-824 MHz, 851-869 MHz, 896-901 MHz, and 935-940 MHz, interconnection with the public switched telephone network is authorized under the following conditions:

39. Section 90.492 is revised to read as follows:

#### § 90.492 One way paging operations in the 806-824 MHz, 866-869 MHz, 896-901 MHz and 935-940 MHz Bands.

Paging operations are permitted in the 806-824, 851-869, 896-901, and 935-940 MHz bands only in accordance with §§ 90.378 and 90.645 (e) and (h).

40. The heading for Part 90, Subpart S, of the Rules and Regulations is revised to read as follows:

#### Subpart S—Regulations Governing Licensing and Use of Frequencies in the 806-824, 851-869, 896-901, and 935-940 MHz Bands

41. Section 90.601 is revised to read as follows:

#### § 90.601 Scope.

This subpart sets out the regulations governing the licensing and operations of all conventional systems operating in the 806-824/851-869 MHz and 896-901/935-940 MHz bands, and trunked systems operating in the 809.750-816/854.750-861 MHz, 821-824/866-869 MHz, and 896-901/935-940 MHz bands. Trunked systems operating in the 816-821/861-866 MHz bands are governed by the rules in Subpart M until action is taken by the Commission to merge Subpart M with Subpart S. This subpart also governs the use of frequencies in the 806-821/851-866 MHz bands along the Mexican and Canadian border areas in accordance with existing agreements. It includes eligibility requirements, applications procedures, operational

and technical standards for stations licensed in these bands. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in these frequency bands.

42. Section 90.603 is amended by revising the introductory text to read as follows:

#### § 90.603 Eligibility.

The following persons are eligible for licensing in the 806-824 MHz, 851-869 MHz, 896-901 MHz, and 935-940 MHz Bands.

43. The heading immediately preceding § 90.611 is revised to read as follows:

#### Policies Governing the Processing of Applications and the Selection and Assignment of Frequencies for Use in the 806-824 MHz, 851-869 MHz, 896-901 MHz, and 935-940 MHz Bands

44. Section 90.613 is amended by revising the introductory text, and amending the "Table of 806-821/851-866 MHz Channel Designations" by revising the entry for channels 1 and 600 and by adding new channels 601 to 830 to read as follows:

#### § 90.613 Frequencies available.

The following table indicates the channel designations of frequencies available for assignment to eligible applicants under this subpart. Frequencies shall be assigned in pairs, with mobile and control station frequencies taken from the 806-824 MHz band with corresponding base station frequencies being 45 MHz higher and taken from the 851-869 MHz band, or with mobile and control station frequencies taken from the 896-901 MHz band with corresponding base station frequencies being 39 MHz higher and taken from the 935-940 MHz band. Only the upper half of each frequency pair is listed in the table.

Table of 806-824/851-869 MHz Channel Designations:

| Channel No. | Base Frequency (MHz) |
|-------------|----------------------|
| 1           | 851.0125             |
| 600         | 865.9875             |
| 601         | 866.0125             |
| 602         | 0375                 |
| 603         | 0500                 |
| 604         | 0625                 |
| 605         | 0750                 |
| 606         | 0875                 |
| 607         | 1000                 |

## —Continued

| Channel No. | Base Frequency (MHz) |
|-------------|----------------------|
| 608         | 1125                 |
| 609         | 1250                 |
| 610         | 1375                 |
| 611         | 1500                 |
| 612         | 1625                 |
| 613         | 1750                 |
| 614         | 1875                 |
| 615         | 2000                 |
| 616         | 2125                 |
| 617         | 2250                 |
| 618         | 2375                 |
| 619         | 2500                 |
| 620         | 2625                 |
| 621         | 2750                 |
| 622         | 2875                 |
| 623         | 3000                 |
| 624         | 3125                 |
| 625         | 3250                 |
| 626         | 3375                 |
| 627         | 3500                 |
| 628         | 3625                 |
| 629         | 3750                 |
| 630         | 3875                 |
| 631         | 4000                 |
| 632         | 4125                 |
| 633         | 4250                 |
| 634         | 4375                 |
| 635         | 4500                 |
| 636         | 4625                 |
| 637         | 4750                 |
| 638         | 4875                 |
| 639         | 5125                 |
| 640         | 5375                 |
| 641         | 5500                 |
| 642         | 5625                 |
| 643         | 5750                 |
| 644         | 5875                 |
| 645         | 6000                 |
| 646         | 6125                 |
| 647         | 6250                 |
| 648         | 6375                 |
| 649         | 6500                 |
| 650         | 6625                 |
| 651         | 6750                 |
| 652         | 6875                 |
| 653         | 7000                 |
| 654         | 7125                 |
| 655         | 7250                 |
| 656         | 7375                 |
| 657         | 7500                 |
| 658         | 7625                 |
| 659         | 7750                 |
| 660         | 7875                 |
| 661         | 8000                 |
| 662         | 8125                 |
| 663         | 8250                 |
| 664         | 8375                 |
| 665         | 8500                 |
| 666         | 8625                 |
| 667         | 8750                 |
| 668         | 8875                 |
| 669         | 9000                 |
| 670         | 9125                 |
| 671         | 9250                 |
| 672         | 9375                 |
| 673         | 9500                 |
| 674         | 9625                 |
| 675         | 9750                 |
| 676         | 9875                 |
| 677         | 867.0125             |
| 678         | .0375                |
| 679         | .0500                |
| 680         | .0625                |
| 681         | .0750                |
| 682         | .0875                |
| 683         | .1000                |
| 684         | .1125                |
| 685         | .1250                |
| 686         | .1375                |
| 687         | .1500                |
| 688         | .1625                |
| 689         | .1750                |
| 690         | .1875                |
| 691         | .2000                |
| 692         | .2125                |
| 693         | .2250                |
| 694         | .2375                |
| 695         | .2500                |
| 696         | .2625                |
| 697         | .2750                |

## —Continued

| Channel No. | Base Frequency (MHz) |
|-------------|----------------------|
| 698         | .2875                |
| 699         | .3000                |
| 700         | .3125                |
| 701         | .3250                |
| 702         | .3375                |
| 703         | .3500                |
| 704         | .3625                |
| 705         | .3750                |
| 706         | .3875                |
| 707         | .4000                |
| 708         | .4125                |
| 709         | .4250                |
| 710         | .4375                |
| 711         | .4500                |
| 712         | .4625                |
| 713         | .4750                |
| 714         | .4875                |
| 715         | .5125                |
| 716         | .5375                |
| 717         | .5500                |
| 718         | .5625                |
| 719         | .5750                |
| 720         | .5875                |
| 721         | .6000                |
| 722         | .6125                |
| 723         | .6250                |
| 724         | .6375                |
| 725         | .6500                |
| 726         | .6625                |
| 727         | .6750                |
| 728         | .6875                |
| 729         | .7000                |
| 730         | .7125                |
| 731         | .7250                |
| 732         | .7375                |
| 733         | .7500                |
| 734         | .7625                |
| 735         | .7750                |
| 736         | .7875                |
| 737         | .8000                |
| 738         | .8125                |
| 739         | .8250                |
| 740         | .8375                |
| 741         | .8500                |
| 742         | .8625                |
| 743         | .8750                |
| 744         | .8875                |
| 745         | .9000                |
| 746         | .9125                |
| 747         | .9250                |
| 748         | .9375                |
| 749         | .9500                |
| 750         | .9625                |
| 751         | .9750                |
| 752         | .9875                |
| 753         | .668.0125            |
| 754         | .0375                |
| 755         | .0500                |
| 756         | .0625                |
| 757         | .0750                |
| 758         | .0875                |
| 759         | .1000                |
| 760         | .1125                |
| 761         | .1250                |
| 762         | .1375                |
| 763         | .1500                |
| 764         | .1625                |
| 765         | .1750                |
| 766         | .1875                |
| 767         | .2000                |
| 768         | .2125                |
| 769         | .2250                |
| 770         | .2375                |
| 771         | .2500                |
| 772         | .2625                |
| 773         | .2750                |
| 774         | .2875                |
| 775         | .3000                |
| 776         | .3125                |
| 777         | .3250                |
| 778         | .3375                |
| 779         | .3500                |
| 780         | .3625                |
| 781         | .3750                |
| 782         | .3875                |
| 783         | .4000                |
| 784         | .4125                |
| 785         | .4250                |
| 786         | .4375                |
| 787         | .4500                |

## —Continued

| Channel No. | Base Frequency (MHz) |
|-------------|----------------------|
| 788         | .4625                |
| 789         | .4750                |
| 790         | .4875                |
| 791         | .5000                |
| 792         | .5125                |
| 793         | .5250                |
| 794         | .5375                |
| 795         | .5500                |
| 796         | .5625                |
| 797         | .5750                |
| 798         | .5875                |
| 799         | .6000                |
| 800         | .6125                |
| 801         | .6250                |
| 802         | .6375                |
| 803         | .6500                |
| 804         | .6625                |
| 805         | .6750                |
| 806         | .6875                |
| 807         | .7000                |
| 808         | .7125                |
| 809         | .7250                |
| 810         | .7375                |
| 811         | .7500                |
| 812         | .7625                |
| 813         | .7750                |
| 814         | .7875                |
| 815         | .8000                |
| 816         | .8125                |
| 817         | .8250                |
| 818         | .8375                |
| 819         | .8500                |
| 820         | .8625                |
| 821         | .8750                |
| 822         | .8875                |
| 823         | .9000                |
| 824         | .9125                |
| 825         | .9250                |
| 826         | .9375                |
| 827         | .9500                |
| 828         | .9625                |
| 829         | .9750                |
| 830         | .9875                |

45. Section 90.617 is amended by revising the heading, paragraph (a), and the heading of Table 1 following paragraph (a); and by adding new paragraph (a)(1) immediately following Table 1 to read as follows:

**§ 90.617 Frequencies in the 809.750-816/854.750-861 MHz, 821-824/866-869 MHz, and 896-901/935-940 MHz bands available for trunked or conventional system use in non-border areas.**

(a) The channels listed in Table 1 and paragraph (a)(1) are available to eligible applicants in the Public Safety Category which consists of the Local Government, Police, Fire, Highway Maintenance, Forestry Conservation, and Special Emergency Radio Services. These frequencies are available in areas farther than 110 km (68.4 miles) from the U.S./Mexican border, and 140 km (87 miles) from the U.S./Canadian border. Specialized Mobile Radio Systems will not be authorized in this category. These channels are available for intercategory sharing as indicated in § 90.621(g).

## Public Safety Category

**Table 1: 806-821/851-866 MHz Band Channels (70 Channels)**

(1) Channels numbers 601-830 are also available to eligible applicants in the Public Safety Category in areas farther than 110 km (68.4 miles) from the U.S./Mexican border, and 140 km (87 miles) from the U.S./Canadian border. The assignment of these channels will be done in accordance with the policies defined in the *Report and Order* of Gen. Docket No. 87-112 (See §§ 90.16 and 90.34). The following channels are available only for mutual aid purposes as defined in Gen. Docket No. 87-112: channels 601, 639, 677, 715, 753.

46. Section 90.621 is amended by revising paragraphs (c), (d), and (e); and by adding new paragraph (i) to read as follows:

**§ 90.621 Selection and assignment of frequencies.**

(c) Trunked systems authorized on frequencies in the Public Safety (except for those systems that have participated in a formal regional planning process as described in § 90.16), 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.

(d) Conventional systems authorized on frequencies in the Public Safety (except for those systems that have participated in a formal regional planning process as described in § 90.16), Industrial/Land Transportation, and Business Categories that have met the loading level necessary for channel exclusivity will be protected in the same fashion as described in paragraph (c) of this section.

(e) Conventional systems authorized on frequencies in the Public Safety

(except for those systems that have participated in a formal regional planning process as described in § 90.16), Industrial/Land Transportation, and Business Categories that have not met the loading levels necessary for channel exclusivity will not be afforded co-channel protection.

(i) Applications for Public Safety systems (both trunked and conventional) in the 821-824/866-869 MHz bands will be assigned and protected based on the criteria established in the appropriate regional plan. See § 90.16 and the *Report and Order* in General Docket 87-112.

47. The heading immediately preceding § 90.635 is revised to read as follows:

**Technical Regulations Regarding the Use of Frequencies in the 806-824 MHz, 851-869 MHz, 896-901 MHz, and 935-940 MHz Bands**

48. Section 90.635 is amended by revising the titles of Tables 2, 3, and 4 to read as follows:

**§ 90.635 Limitations on power and antenna height.****Table 2—Equivalent Power and Antenna Heights for Base Stations in the 851-869 MHz, and 935-940 MHz Bands Which Have a Requirement for a 32 km (20 mi.) Service Area Radius****Table 3—Equivalent Powers and Antenna Heights for Suburban-Conventional Base Stations in the 851-869 MHz, and 935-940 MHz Bands Which Have a Requirement for Less Than 20-mi. Service Area Radius—Maximum Effective Radiated Power (Watts).****Table 4—Equivalent Powers and Antenna Heights for Urban-Conventional and Trunked System Base Stations in the 851-869 MHz and 935-940 MHz Bands Which Have a Requirement for Less Than 20-mi. Service Area Radius—Maximum Effective Radiated Power (Watts).**

49. Section 90.637 is amended by revising paragraph (a) to read as follows:

**§ 90.637 Restrictions on operational-fixed stations.**

(a) Except for control stations, operational-fixed operations will not be authorized in the 806-824 MHz, 851-869 MHz, 896-901 MHz, or 935-940 MHz bands. This does not preclude

secondary fixed tone signalling and alarm operations authorized in § 90.235.

Federal Communications Commission.

Charles A. Brown, Jr.,

Acting Secretary.

[FR Doc. 88-743 Filed 1-14-88; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 65**

[CC Docket 86-497; FCC 87-391]

**Common Carrier Services; Amendment of Part 65 To Prescribe Components of the Rate Base and Net Income of Dominant Carriers**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has adopted a Report and Order to amend various sections of Part 65 to revise the rate base components of the dominant carriers; to update the regulatory net income treatment of various items due to new regulated/nonregulated cost separation rules; and to make Part 65 applicable to the independent telephone companies for the first time.

**EFFECTIVE DATE:** January 1, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** John T. Curry, Chief, Accounting Systems Branch, Accounting and Audits Division, Common Carrier Bureau, (202) 634-1861.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order* adopted December 17, 1987 and released December 24, 1987. The full text of this Commission item is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this item may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC.

**Summary of Report and Order**

On January 16, 1987, the Commission proposed to amend Part 65 of its rules to prescribe rate base and net income determination principles for all dominant carriers. Based on an analysis of the comments received in this proceeding, the Commission has decided to modify its Part 65 proposal as follows with the changes being effective January 1, 1988.