

last sentence in 1200-3-3-.05, on which no action will be taken.

In Section 16-48, *Definitions*, all the definitions are identical to the federally approved State regulations except for the definitions of modification, new source and new sulfuric acid plant. These definitions, however, were found to be equivalent to the State's definitions and are federally approvable.

Final Action

Since the Memphis regulations (Board Order 17-86) are consistent with EPA policy and requirements, they are hereby approved except for the following rules that are disapproved:

1200-3-9-.01(3)
1200-3-9-.01(4)(o)(2)

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if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

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 [60 days from date of publication]. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Regulatory Process

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA must assess the impact of proposed rules on small entities. These rules are equivalent to the federally approved State regulations and maintain the status quo. Sources have not been adversely affected by the State regulations; therefore the conclusion can be drawn that small sources in Memphis and Shelby County will not be adversely affected by this decision.

The Office of Management and Budget has waived review of this action, normally required under Executive Order 12291.

List of Subjects in 40 CFR Part 52

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

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

Dated: April 24, 1989.

Lee A. DeHihns, III,

Acting Regional Administrator.

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

PART 52—[AMENDED]

Subpart RR—Tennessee

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

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

2. Section 52.2220 is amended by adding paragraph (c)(89) to read as follows:

§ 52.2220 Identification of plan.

* * *

(c) * * *

(89) Revised Memphis and Shelby County regulations (Board Order 17-86) submitted on July 7, 1986.

(i) Incorporation by reference.

(A) Memphis and Shelby County regulations, Board Order 17-86, which became State-effective June 18, 1986. The regulations that are approved are as follows:

Sections 16-46
Sections 16-47
Sections 16-48
Sections 16-49 except for Rule 1200-3-3-.05 (the last sentence)
Sections 16-50
Sections 16-51
Sections 16-56
Sections 16-57
Sections 16-58
Sections 16-59
Sections 16-71
Sections 16-77 except for Rules 1200-3-9.01(3); 1200-3-9-.01(4)(b)(5) (the phrase, "except the activities of any vessel."); 1200-3-9-.01(4)(o)(2); 1200-3-9-.02(1)-(3), (6)-(10) and the last sentence of (5); 1200-3-9-.03(2) (the last sentence), .03(2)(a), and .03(2)(b)
Sections 16-78 except for Rules 1200-3-7-.03(2); 1200-3-7-.04(2) (the last sentence); 1200-3-7-.07(2)-(5); 1200-3-7-.09
Sections 16-79
Sections 16-80
Sections 16-82 except for Rules 1200-3-14-.02; 1200-3-14-.03(5) and (6)
Sections 16-83 except for Rules 1200-3-5-.01(2) and (3); 1200-3-5-.03(2)
Sections 16-84
Sections 16-85
Sections 16-86
Sections 16-87
Sections 16-88 except paragraph(b)
Sections 16-89
Sections 16-90
Sections 16-91

(B) Letter of July 7, 1986, from the Tennessee Department of Health and Environment.

(ii) Other material—none.

3. A new § 52.2229 is added to read as follows:

§ 52.2229 Rules and regulations.

(a) The following portions of the revised Memphis and Shelby County regulations submitted on July 7, 1986, are disapproved because they are inconsistent with EPA policy and requirements:

16-77, Rules 1200-3-9-.01(3); 1200-3-9-.01(4)(o)(2)

(b) [Reserved]

[FR Doc. 89-14154 Filed 6-14-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 60

[FRL-3602-5]

Standards of Performance for New Stationary Sources; Surface Coating of Plastic Parts for Business Machines; Clarification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule, clarification.

SUMMARY: This notice clarifies a final rule on standards of performance for new stationary sources for surface coating of plastic parts for business machines which appeared at page 2676 in the *Federal Register* of Friday, January 29, 1988 (53 FR 2676).

This action is necessary in order to clarify that electromagnetic interference and radio frequency interference (EMI/RFI) shielding coatings that are applied to the surface of plastic business machine parts to attenuate EMI/RFI signals were intended to be exempt from the regulation.

EFFECTIVE DATE: January 29, 1988.

FOR FURTHER INFORMATION CONTACT: Doug Bell or Laura Butler, Standards Development Branch, ESD (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5568 or (919) 541-5267.

SUPPLEMENTARY INFORMATION: The EMI/RFI shielding coatings were exempted because none of the options studied provided volatile organic compound emission control at a reasonable cost. The definition of prime coat specifically excluded EMI/RFI coatings to avoid erroneous consideration of EMI/RFI coatings as prime coatings.

The EMI/RFI shielding coatings were not specifically excluded from the definitions for color coat, texture coat, and touch-up coat in the regulation promulgated on January 29, 1988 (53 FR 2676) since there were not cases known where EMI/RFI shielding coatings serve principally to affect color, gloss, or texture, or to touch up a part. The EMI/RFI coatings principally serve a functional purpose, not a decorative purpose.

The lack of an exclusion of EMI/RFI coatings from these definitions could cause confusion in cases where EMI/RFI coating is the only coating applied to the interior of a part, since the EMI/RFI coating could affect the final appearance (color and gloss) of the coated part. Therefore, the definitions for color coat, texture coat, and touch-up coat are being revised to specifically exempt EMI/RFI coatings.

The definition for EMI/RFI shielding coating is also included in order to specify the material exempted by this clarification.

Date: June 7, 1989.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

For reasons set out in the preamble, 40 CFR Part 60, § 60.721 is amended as follows:

PART 60—[AMENDED]

1. The authority citation for Part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7416, and 7601.

2. Section 60.721(a) is amended by revising the definitions, "color coat," "texture coat," and "touch-up coat" and by adding the definition for "electromagnetic interference/radio frequency interference (EMI/RFI) shielding coating" in alphabetical order to read as follows:

§ 60.721 Definitions.

(a) * * *

"Color coat" means the coat applied to a part that affects the color and gloss of the part, not including the prime coat or texture coat. This definition includes fog coating, but does not include conductive sensitizers or electromagnetic interference/radio frequency interference shielding coatings.

"Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coating" means a conductive coating that is applied to a plastic substrate to attenuate EMI/RFI signals.

"Texture coat" means the rough coat that is characterized by discrete, raised spots on the exterior surface of the part. This definition does not include conductive sensitizers or EMI/RFI shielding coatings.

"Touch-up coat" means the coat applied to correct any imperfections in the finish after color or texture coats have been applied. This definition does not include conductive sensitizers or EMI/RFI shielding coatings.

[FR Doc. 89-14263 Filed 6-14-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 21

[General Docket No. 87-136; FCC No. 89-148]

Amendment To Reallocate the Local Television Transmission Service From the 11.7-12.2 GHz Band to the 14.2-14.4 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission released a Notice of Proposed Rule Making (NPRM) May 18, 1987, inviting comments on a proposal to reallocate the local television transmission service (LTTS) from 11.7-12.2 GHz to 14.0-14.5 GHz. However, in the NPRM the Commission limited its proposal to the band 14.2-14.4 GHz due to other government and non-government use of the 14.0-14.2 and 14.4-14.5 GHz portions of the band. The 11.7-12.2 and 14.0-14.5 GHz bands are also used on a primary basis by the fixed satellite service (FSS). LTTS is a secondary user of the 11.7-12.2 GHz band. This action orders that Parts 2 and 21 of the Commission Rules be amended to reflect the reallocation of LTTS to the 14.2-14.4 GHz band. The intent of this action is to eliminate the burden of frequency coordination for LTTS and the FSS.

EFFECTIVE DATE: July 17, 1989.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Raymond LaForge, telephone (202) 653-8117.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, adopted May 9; Released June 1, 1989.

The full text of this Commission decision is available for inspection and copying during normal business hours in

the FCC Dockets Branch (Room 233), 1919 M Street NW., Washington, D.C. 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 Notice

1. The Commission released a Notice of Proposed Rule Making (NPRM) on May 18, 1987, proposing to reallocate the LTTS from the FSS downlink band at 11.7-12.2 (11.7) GHz to the FSS uplink band at 14.2-14.4 (14.2) GHz. The Commission found that frequency coordination efforts at 11.7 GHz were becoming increasingly burdensome as new satellite earth stations are built. The Commission stated that the reallocation of LTTS to 14.2 GHz should relieve the coordination problem, in that frequency coordination would not be necessary in the 14.2 GHz uplink band, because the receivers are located at the satellite in geostationary orbit, and the likelihood of interference over that long distance to the satellite is negligible.

2. Comments were mixed on the proposed rule. LTTS interests raised several arguments as to why the 11.7 GHz band should be maintained. They were also concerned with the reduction in spectrum as proposed by the Commission. FSS interests and microwave equipment manufacturers all support the reallocation of LTTS to the 14.2 GHz band because of the existing burdens to coordinate frequencies at 11.7 GHz.

3. Although reallocation of LTTS to the 14.2 GHz band would result in a net loss in spectrum, we believe that the reallocation would be an improvement for LTTS. We estimate that the number of new satellite earth stations will be in the thousands over the next several years rendering the 11.7 GHz band unusable for LTTS. Although the proposed reallocation results in a net loss of 300 MHz for LTTS (500 to 200 MHz), we believe that it will actually provide a substantial benefit to LTTS. As the proliferation of earth stations continues to occur, the 14.2 GHz band should remain 300 MHz of usable spectrum; however, the 11.2 GHz band, although it consists of 500 MHz, will most likely be unavailable to LTTS as FSS primary users continue to expand. Thus, the risk of interference to LTTS should be reduced by the reallocation. We have carefully considered all aspects of this situation and we believe that although the 11.7 GHz band was once suitable for LTTS on a secondary basis, it no longer is able to

accommodate LTTS due to the rapid growth of earth stations at 11.7 GHz. In fact the band is already unusable in many parts of the country.

4. We also have reviewed the need for a transition period for LTTS users to acquire new equipment and to phase out existing 11.7 GHz equipment. Since LTTS operates in the 11.7 GHz band on a secondary basis we will permit LTTS users to use the 11.7-12.2 GHz band indefinitely so that they will be able to use existing equipment for its normal life span. This should also provide an opportunity for manufacturers to design and build 14 GHz receivers for use by LTTS operators. In light of these considerations we are grandfathering LTTS operations in the 11.7-12.2 GHz band. However, in accordance with LTTS's secondary status, if interference is caused to the fixed satellite service, the LTTS operator shall either immediately remedy the interference or cease operation. We are retaining the requirement for VSAT operators to maintain an up-to-date list of earth stations and to provide a point-of-contact to facilitate coordination of secondary LTTS operations.

5. Further, we have carefully reviewed the power limitations that are necessary to protect the FSS satellite receivers in the geostationary orbit. We continue to believe that the limits established in the international *Radio Regulations* are appropriate to protect FSS from harmful interference caused by LTTS transmissions and yet provide sufficient power for LTTS to operate effectively. Therefore, we believe the limit of +45 dBW is correct. However, we are not permitting operations within 1.5 degrees of satellites in the geostationary orbit. This should allow sufficient power for LTTS to establish links and yet afford adequate protection for the FSS receiver at the satellite.

6. We have also considered the proposal made by Conus Communications Inc. (Conus) requesting blanket authority for each licensee of a 14 GHz video satellite uplink to use the 14.2 GHz band, on a secondary basis, for terrestrial transmission of video signals. Although this proposal would allow operators of video uplinks to feed material to and from satellite facilities, it would also limit LTTS use of the band. We can not evaluate the merits of the Conus proposal unless we invite public comment on their specific proposal. Therefore, we find the Conus proposal to be beyond the scope of this proceeding.

7. 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 2 and 21 of the Commission's Rules, ARE AMENDED to reflect the changes discussed in this Order.

8. *It is further ordered* That this Order will become effective July 17, 1989.

9. *It is further ordered* that this proceeding is terminated.

List of Subjects

47 CFR Part 2

Frequency allocations.

47 CFR Part 21

Communications equipment.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Parts 2 and 21 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation in Part 2 continues to read:

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

2. Section 2.106, the Table of Frequency Allocations, is amended by revising columns 4, 5 and 6 in the table for the 14.2-14.4 GHz bands as follows:

§ 2.106 Table of Frequency Allocations.

United States table		FCC use designators
Government	Non-Government	
Allocation GHz (4)	Allocation GHz (5)	Rule part(s) (6)
14.2-14.3.....	Fixed-satellite (Earth-to-space). Mobile except aeronautical mobile.	Satellite communications (25). Domestic public fixed (21).
US287.....	US287.....	
14.3-14.4.....	14.3-14.4 Fixed-satellite (Earth-to-space). Mobile except aeronautical mobile.	Satellite communications (25). Domestic public fixed (21).
US287.....	US287.....	

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

3. The authority citation in Part 21 continues to read:

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

§ 21.801 [Amended]

4. Section 21.801(a) is amended by revising the list of available frequencies for assignment to television pickup and television non-broadcast pickup stations in the local television transmission service and adding a sentence to footnote 5 as follows:

- 6,425 to 6,525 MHz.⁶
- 11,700 to 12,200 MHz.³
- 13,200 to 13,250 MHz.¹
- 14,200 to 14,400 MHz.⁵
- 21,200 to 22,000 MHz.^{1, 2, 4, 5}
- 22,000 to 23,600 MHz.^{1, 2, 5}
- 31,000 to 31,300 MHz.⁷

[FR Doc. 89-14059 Filed 6-14-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 87-04; Notice 51]

RIN 2127-AC 73

Federal Motor Vehicle Safety Standards—Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; partial response to petitions for reconsideration; delay of effective date.

SUMMARY: In a final rule published in the *Federal Register* (53 FR 7931) on March 11, 1988, NHTSA amended Standard No. 121, *Air Brake Systems*, to clarify the standard's parking brake

¹ This frequency band is shared with fixed and mobile stations licensed under Part 21 and other parts of the Commission's Rules.

² This frequency band is shared with Government stations.

³ This frequency band is shared, on a secondary basis, with stations in the broadcasting-satellite and fixed-satellite services.

⁴ This frequency band is shared with stations in the earth-exploration satellite service.

⁵ Assignments to common carriers in this band are normally made in the segments 21,200-21,800 MHz and 22,400-23,800 MHz and to operational fixed users in the segments 21,800-22,400 MHz and 23,000-23,600 MHz. Assignments may be made otherwise only upon a showing that interference free frequencies are not available in the normally assigned band segments. The maximum power for the local television transmission service in the 14.2-14.4 GHz band is +45 dBW except that operations are not permitted within 1.5 degrees of the geostationary orbit.

⁶ This band is co-equally shared with mobile stations licensed pursuant to Parts 74, 78 and 94 of the Commission's rules.

⁷ Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted.