

on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Therefore, I certify that this action (1) is not a "major rule" under the provisions of Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small business entities under the criteria of the Regulatory Flexibility Act. A copy of the final regulatory evaluation prepared for this action has been placed in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

**Piper:** Amendment No. 39-6782, Docket No. 90-CE-19-AD.

**Applicability:** Models PA23, PA23-150, PA23-160 (serial numbers (S/N) 23-1 through 23-2046), PA23-235 (S/N 27-505 through 27-622), PA23-250, and PA23-250(6) (S/N 27-1 through 27-7405476, and S/N 27-7554001 through 27-8154030) airplanes, certificated in any category.

**Compliance:** Required within the next 180 calendar days after the effective date of this AD, unless already accomplished.

To preclude rough engine operation or complete power interruption caused by water contamination in the fuel, accomplish the following:

(a) For Models PA23, PA23-150, and PA23-160 airplanes:

(1) Incorporate into the Owner Handbook and/or Pilots Operating Manual the instructions contained in Part I of Piper Service Bulletin (SB) No. 827A, dated November 4, 1988.

(2) Modify the airplane by the installation of Piper Dual-Fuel Drain Kit (Part Number (P/N) 765-363), in accordance with the instructions in Part II of Piper SB No. 827A, dated November 4, 1988.

(3) Modify the airplane by the installation of Piper Fuel Tank Wedge Kit (P/N 599-367), in accordance with the instructions in Part I of Piper SB No. 923A, dated August 30, 1990.

(b) For Models PA23-235, PA23-250, and PA23-250(6) airplanes equipped with un baffled fuel tanks, modify the airplane by the installation of Piper Fuel Tank Wedge Kit (P/N 599-367), in accordance with the instructions in Part I of Piper SB No. 932A, dated August 30, 1990.

(c) For Models PA23-250 and PA23-250(6) airplanes equipped with baffled fuel cells, modify the airplane by the installation of enlarged fuel bowls (P/N 89483-009 or P/N 89483-010) in accordance with the instructions in Part II of Piper SB No. 932A, dated August 30, 1990.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An alternate method of compliance or adjustment of the initial compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349.

**Note:** The request should be forwarded through an FAA Maintenance Inspector, who may add comments and send it to the Manager, Atlanta Aircraft Certification Office.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Piper Aircraft Corporation, 2926 Piper Drive, Vero Beach, Florida 32960; telephone (407) 567-4366 or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on December 10, 1990.

Issued in Kansas City, Missouri, on October 15, 1990.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-26281 Filed 11-6-90; 8:45 am]

BILLING CODE 4910-13-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[FL-038; FRL-3955-8]

### Approval and Promulgation of Implementation Plans

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

**ACTION:** Final rule.

**SUMMARY:** EPA today approves a request by the State of Florida to relax the limits contained in the Florida State Implementation Plan (SIP) for SO<sub>2</sub> and opacity from Florida Power & Light's (FPL) Sanford No. 4 Unit located in Volusia County, Florida. The relaxed limits would apply only during the test burn for Orimulsion fuel. The purpose of the test is to determine the feasibility of switching to Orimulsion fuel and to test air pollution control equipment to reduce SO<sub>2</sub> and particulate emissions. The relaxed emission limit for particulate emissions was approved in 1980 and is still in effect. The relaxed limits will not interfere with the maintenance of the National Ambient Air Quality Standards and will be limited to a period of eighteen months. Therefore, EPA is today approving the request.

**DATES:** This action will become effective on January 7, 1991 unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments should be addressed to Kay Prince of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Environmental Protection Agency Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

**FOR FURTHER INFORMATION CONTACT:** Kay Prince, Air Programs Branch, EPA Region IV, at the above address and telephone number (404) 347-2864 or FTS 257-2864.

**SUPPLEMENTARY INFORMATION:** On October 11, 1990, the State of Florida through the Florida Department of Environmental Regulation submitted a request for a temporary relaxation of the emission limits contained in the Florida SIP for particulate matter, opacity, and SO<sub>2</sub> for FPL's Sanford #4 unit. The timeframe for the relaxation would be eighteen months. The relaxed emission limits will become effective on the first day the Orimulsion is burned in Unit No. 4 and will be valid for 18 months or until Orimulsion has been burned for 90 full-

power burn days equivalent (and for an additional 30 full-power burn days equivalent upon showing of good cause), whichever comes first. The purpose of the request is to allow FP&L to conduct tests to determine if switching to Orimulsion fuel is feasible. Orimulsion is an emulsified fuel produced from a naturally occurring bitumen found in the Venezuelan Orinoco River Basin. It is produced when bitumen is recovered using conventional tertiary recovery techniques, is degassed and desalted, and then emulsified into fresh water. The resulting emulsified fuel, Orimulsion, is stable and exhibits excellent combustion characteristics. Test burns using Orimulsion have been conducted in England and Canada. Orimulsion can be obtained at coal-comparable prices rather than at the much more costly liquid fuel prices.

On the basis of the tests conducted in Canada, it is expected that the emissions during the test burn would exceed the limits contained in the Florida SIP for sulfur dioxide, particulate matter, and opacity. FP&L has committed to burn lower sulfur fuel (1% or less) at Sanford Units No. 3 and 5 in order to partially offset the increased emissions projected for Sanford Unit No. 4. The emission limitation for all three units will revert to the previously approved limits when the timeframe for the relaxation expires. In addition, FP&L will be testing several types of control devices during the test burn. Should the Sanford No. 4 Unit ultimately be converted to Orimulsion fuel, FP&L would install control equipment to reduce SO<sub>2</sub> and particulate emissions.

The temporary emission limits requested by FP&L are:

(a) Sulfur dioxide—4.3 lb/mm Btu heat input;

(b) Suspended particulate matter—0.3 lb/mm Btu heat input (steady state) and 0.6 lb/mm Btu heat input (excess emission up to three hours per day); and

(c) Steady State opacity—60%; Excess Emissions Opacity—100%.

The limits in the Florida SIP are:

(a) Sulfur dioxide—2.75 lb/mm Btu heat input;

(b) Suspended particulate matter—0.1 lb/mm Btu heat input, maximum two hour average; and

(c) Steady State Opacity—20%.

Although the SIP contains the emission limits listed above, FP&L was granted a variance in 1980 which allowed the Sanford No. 4 Unit to emit particulate matter at the rate requested for the revision. This variance also relaxed the opacity limit. The relaxed limits were initially granted for the two year variance period allowed in the Florida SIP. Subsequently, as a result of

a court determination, the relaxed limits were granted indefinitely. Therefore, the limits which currently apply to Sanford Unit No. 4 are:

(a) Sulfur dioxide—2.75 lb/mm Btu heat input;

(b) Suspended particulate matter—0.3 lb/mm Btu heat input (steady state) and 0.6 lb/mm Btu heat input (excess emission up to three hours per day); and

(c) Steady State Opacity—40%; Excess Emissions Opacity—100%.

The requested limit listed above for particulate matter is the same limit which is currently applicable to Sanford Unit No. 4. For the purpose of this notice, it is necessary only to act on the sulfur dioxide and opacity limits. At the expiration of the variance, the relaxed limits will revert to the limits which are currently in effect for the Sanford facility.

The submittal included a modeling analysis assuming an SO<sub>2</sub> emission rate of 4.3 lb/mm Btu heat input from Sanford Unit No. 4 and an SO<sub>2</sub> emission rate of 1.1 lb/mm Btu heat input from Units No. 3 and 5. The modeling analysis indicated that the increased emissions from Unit No. 4 would result in maximum 3-hour, 24-hour, and annual averages which are less than the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide.

Additionally, the modeling showed that the SO<sub>2</sub> increment consumption is less than the allowable for PSD.

The aforementioned variance allowed 40% opacity (steady state) with excess opacity > 60% for not more than four 6-minute periods during any 3 hour period for Unit No. 4. The allowable excess emissions in the new variance is equivalent to that previously approved and the steady state opacity increase is only 20%. Therefore, the additional increase in allowed opacity should not create adverse conditions.

The permit requires continuous emission monitors (CEMs) for emissions of carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>) and opacity to be installed and operated throughout the test burn period regardless of the fuel being burned. The CEMs must be maintained, calibrated, and evaluated in accordance with the requirements of 40 CFR part 60, appendix B. Compliance tests are required for particulate matter using EPA Test Method 5 or 17 and for SO<sub>2</sub> using EPA Test Method 8c. These tests must be conducted with the source operating within 90–100% of its full capacity when burning Orimulsion fuel. Opacity compliance will be determined from 6-minute averages of the opacity CEM data. There are additional test requirements for sulfuric acid mist,

nitrogen oxides, volatile organic compounds, and trace elements and metals.

Since the No. 4 Unit is located in an attainment area for the pollutants in question and the increase in emissions is temporary, EPA is approving these revisions. The technical support information provided by FP&L can be viewed at the EPA Region IV and State offices at the above addresses.

#### Final Action

EPA approves the temporary relaxation for the sulfur dioxide and opacity limits for Sanford Unit No. 4. This action is being taken without prior proposal because the change is noncontroversial and EPA anticipates no significant comments on it. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if 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 5 U.S.C. 605(b), I certify that this SIP revision will not have significant economic impact on a substantial number of small entities (see 46 FR 8709).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

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 January 7, 1991. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

Note: The Director of the Federal Register approved the incorporation by reference of the Florida SIP on July 1, 1982.

Joe R. Franzmathes,  
Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

**PART 52—[AMENDED]****Subpart K—Florida**

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

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

2. Section 52.520 is amended by adding paragraph (c)(71) to read as follows:

**§ 52.520 Identification of plan.**

(c) \* \* \*

(71) The Florida Department of Environmental Regulation submitted an Order authorizing research and testing by the Florida Power & Light Company and the operating permit for the Orimulsion Fuel Test Burn at the Sanford Power Plant Unit No. 4 to EPA on October 11, 1990.

(i) *Incorporation by reference.* (A) Florida Department of Environmental Regulation Order authorizing research and testing by the Florida Power & Light Company adopted on October 4, 1990.

(B) Florida Power & Light operating permit number AC 64-180842, PSD-FL-150 which becomes State-effective on January 7, 1991.

(ii) *Other materials.* (A) Letter of October 11, 1990, from the Florida Department of Environmental Regulation.

[FR Doc. 90-26320 Filed 11-6-90; 8:45 am]

BILLING CODE 6560-50-M

**40 CFR Part 761**

[OPTS-66008K; FRL 3838-3]

**Polychlorinated Biphenyls (PCB's):  
Manufacturing, Processing, and  
Distribution in Commerce, Partial  
Rescission of Exemption Rule**

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

**ACTION:** Final rule; partial rescission of exemption rule.

**SUMMARY:** Section 6 of the Toxic Substances Control Act (TSCA)

generally prohibits the manufacture, processing and distribution in commerce of polychlorinated biphenyls (PCBs). It also provides a procedure where persons may petition the Administrator, for good cause shown, for an exemption from these prohibitions. This notice announces EPA's decision to rescind an interpretation of 40 CFR 761.20(c)(1) which was included in the PCB Manufacturing, Processing, and Distribution in Commerce Exemption Rule that was published in the *Federal Register* (55 FR 21023) on May 22, 1990.

**EFFECTIVE DATE:** This decision is effective as of August 29, 1990.

**FOR FURTHER INFORMATION CONTACT:**

Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551.

**ADDRESSES:** The official record for the PCB exemptions is located in the TSCA Public Docket Office, Rm G008, NE Mall, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. The record is available for copying and inspection from 8 a.m. to 12 noon, and from 1 p.m. to 4:30 p.m. Monday through Friday, excluding holidays.

**SUPPLEMENTARY INFORMATION:** EPA has determined to rescind an interpretation of 40 CFR 761.20(c)(1), only insofar as it requires entities such as the Electric Apparatus Service Association, Inc. (EASA) to obtain an exemption to buy or sell PCB Transformers or PCB-Contaminated Transformers, as discussed in the PCB Manufacturing, Processing, and Distribution in Commerce Exemptions Rule published in the *Federal Register* on May 22, 1990 (55 FR 21025). A stay of this same interpretation was published as an FR Notice on September 13, 1990 (55 FR 37714). This decision to rescind the interpretation does not affect any exemption petition addressed in that rule or any other aspect of that rule or preamble to the rule. Accordingly, the interpretation requiring entities such as EASA obtain an exemption to buy and sell intact, non-leaking PCB or PCB-Contaminated Transformers is hereby rescinded.

Dated: October 26, 1990.

Charles L. Elkins,  
Director, Office of Toxic Substances.

[FR Doc. 90-26322 Filed 11-6-90; 8:45 am]

BILLING CODE 6560-50-F

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 15**

[Gen. Docket No. 87-389; FCC 90-324]

**Regarding the Operation of Radio  
Frequency Devices Without an  
Individual License—G/M and  
M/A-COM Petitions for  
Reconsideration**

**AGENCY:** Federal Communications Commission (FCC).

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** In response to petitions filed by General Motors Research Corporation (GM) and by M/A-COM, Inc. (M/A-COM), the Commission is amending its rules which limit the field strength permitted in certain frequency bands for harmonic emissions of field disturbance sensors. GA and M/A-COM expressed concern that the limits were too restrictive and unnecessary, would increase the cost of field disturbance sensors, and make some products impractically large. The change adopted herein will continue to allow operation of economical field disturbance sensor equipment and also to ensure that such equipment does not pose a significant threat of interference to authorized communications users.

**EFFECTIVE DATE:** December 7, 1990.

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

**FOR FURTHER INFORMATION CONTACT:** George Harenberg, Technical Standards Branch, Office of Engineering and Technology, (202) 653-7314.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum, Opinion and Order (MO&O)* in Gen. Docket No. 87-389, FCC 90-324, adopted on September 26, 1990, and released on October 26, 1990.

The full text of this *MO&O* 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 decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

**Summary of Notice**

1. In the First Report and Order (*R&O*) in GEN Docket No. 87-389, the Commission prohibited operation of part 15 intentional radiators in several restricted frequency bands. The

Commission also specified limits on spurious emissions in the restricted frequency bands for intentional radiators. These restrictions were intended to limit the amount of interference caused to certain sensitive radio services. Previously the prohibitions and limitations on operating in specific restricted bands applied to remote control and security devices only.

2. Field disturbance sensors (FDSs) operate by establishing a radio frequency field and then detecting changes in that field caused by the movement of nearby persons or objects. Field disturbance sensors are commonly used to open doors or detect intruders. Many FDSs operate on 10.525 GHz. The second and third harmonics of 10.525 GHz fall in restricted frequency bands and, therefore, are subject to the spurious emission limits for these bands. Under the previous rules, the harmonic emissions of these devices were subject to less stringent limits. GM and M/A-COM, in petitions filed on May 26, 1989, express concern that the limits on harmonic emissions adopted in the R&O will adversely affect the public by making FDS products much more expensive and, in some cases, impractically large. They argue that the previous harmonic emission limits already provide adequate protection to restricted band users.

3. The identification of restricted bands and associated emission limits were developed in cooperation with National Telecommunications Information Administration (NTIA). Consequently, the petitions were referred to NTIA for comment. NTIA responded by proposing a plan for relaxation of the limit for FDS harmonic emissions in the restricted bands above 17.7 GHz. Specifically, NTIA proposes that the limit on harmonic emissions from FDSs designated for use only inside buildings be relaxed to 25 mV/m measured at 3 meters. This is equivalent to the limit in the previous rules. NTIA also proposes that the harmonic emission limit in these bands for FDS devices designated for use outside buildings be relaxed to 7.5 mV/m measured at 3 meters. Finally, NTIA proposes that FDSs used on mobile vehicles not be permitted to operate in a continuous mode.

4. The Commission concludes that the changes proposed by NTIA are generally reasonable. These changes would continue to allow FDS operation at 10.525 GHz in an economically-achievable manner, while maintaining a low likelihood of harmful interference. The emissions from 10.525 GHz FDSs

used indoors are greatly attenuated by materials in the walls and ceilings of buildings. This attenuation makes it reasonable to allow higher harmonic emission levels indoors. Therefore, the Commission is relaxing the harmonic emission limit for FDSs designed for use only inside buildings to 25 mV/m measured at 3 meters. This is essentially the same limit as that specified in the previous harmonic limit for FDSs.

5. There also are several aspects of outdoor FDS operations that reduce the likelihood they will cause interference to restricted band users. FDS signals are generally highly directional. Thus, it is unlikely that an FDS signal would be pointed directly at authorized communications systems. Moreover, many FDS systems operating outdoors are at fixed locations. If interference occurs from a fixed FDS, the source can be traced easily and the interference remedied by realigning the FDS system. The government or other restricted band user can also require the emissions from FDSs installed on their property to be attenuated more than that which is needed for FDSs used by the public. Therefore, the Commission concludes that the 7.5 mV/m measured at 3 meters outdoor limit proposed by NTIA would provide adequate protection for restricted band users and, accordingly, the Commission is adopting this as the new standard.

6. The Commission agrees with NTIA that FDSs used in mobile vehicles, such as automobiles and trucks, represent the greatest potential source of interference to restricted band users. It is difficult to predict when and where a mobile FDS will operate. However, the Commission also agrees with GM that railroad cars, farm vehicles, and other specialized equipment pose less interference risk than other vehicles. To address GM's concern regarding railroad operations and farm equipment and to make the rules comparable with those elsewhere in this part, the Commission is applying the prohibition on continuous operation only to motor vehicles and aircraft. The term motor vehicle includes only vehicles that operate on highways, such as trucks, automobiles, and buses. FDS devices used on railroad locomotives, railroad cars, and other track equipment and farm equipment will be permitted to operate on a continuous basis. In addition, the prohibition on continuous operation will not apply to vehicles, such as fork lifts, that are used primarily indoors or for very specialized operations. Finally, the Commission is adopting GM's suggestion that the prohibition on continuous operation not apply if the FDS complies with the

restricted band limits contained in §§ 15.205 and 15.209.

7. Based on the comments, the Commission believes that continuous operation is best defined by making the distinction as to whether the FDS transmits on a regular basis whenever the vehicle is in operation or only during periods of limited duration when the vehicle performs certain specific activities. For example, such activities would include operation in reverse gear or signaling a turn. Therefore, operation limited to specific activities of limited duration would be permitted under the rules.

8. The Commission agrees with M/A-COM that the outdoor limit should not be imposed on door openers. These FDSs are not a likely source of interference because they operate over an extremely short distance and are usually aimed towards the ground. They generally are mounted in such a manner that the building provides enough shielding to protect against the weather and also provides attenuation of the FDS signal. In addition, their location can be easily identified and controlled. Accordingly, FDS devices used to open doors will be subject to the indoor emission limit.

#### List of Subjects in 47 CFR Part 15

Communications equipment, Radio.

#### Rule Changes

Title 47 of the Code of Federal Regulations, part 15, is amended as follows:

1. The authority citation for part 15 continues to read as follows:

Authority: Sec. 4, 302, 303, 304, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303, 304, and 307.

2. Section 15.205 is amended by revising paragraphs (b) and (c) and adding a new paragraph (e), to read as follows:

#### § 15.205 Restricted bands of operation.

(b) Except as provided in paragraphs (d) and (e) of this section, the field strength of emissions appearing within these frequency bands shall not exceed the limits shown in § 15.209. At frequencies equal to or less than 1000 MHz, compliance with the limits in § 15.209 shall be demonstrated using measurement instrumentation employing a CISPR quasi-peak detector. Above 1000 MHz, compliance with the emission limits in § 15.209 shall be demonstrated based on the average value of the measured emissions. The provisions in § 15.35 apply to these measurements.

(c) Except as provided in paragraphs (d) and (e) of this section, regardless of the field strength limits specified elsewhere in this subpart, the provisions of this section apply to emissions from any intentional radiator.

(e) Harmonic emissions appearing in the restricted bands above 17.7 GHz from field disturbance sensors operating under the provisions of § 15.245 shall not exceed the limits specified in § 15.245(b).

3. Section 15.245 is amended by revising paragraph (b) to read as follows:

§ 15.245 Operation within the bands 902-928 MHz, 2435-2465 MHz, 5785-5815 MHz, 10500-10550 MHz, and 24075-24175 MHz.

(b) The field strength of emissions from intentional radiators operated within these frequency bands shall comply with the following:

Fundamental frequency (MHz)	Field strength of fundamental (millivolts/meter)	Field strength of harmonics (millivolts/meter)
902-928.....	500	1.6
2435-2465.....	500	1.6
5785-5815.....	500	1.6
10500-10550.....	2500	25.0
24075-24175.....	2500	25.0

(1) Regardless of the limits shown in the above table, harmonic emissions in the restricted bands below 17.7 GHz, as specified in § 15.205, shall not exceed the field strength limits shown in § 15.209. Harmonic emissions in the restricted bands at and above 17.7 GHz, and below 40 GHz, shall not exceed the following field strength limits:

(i) For field disturbance sensors designed for use only within a building or to open building doors, 25.0 mV/m.

(ii) For all other field disturbance sensors, 7.5 mV/m.

(iii) Field disturbance sensors designed to be used in motor vehicles or aircraft must include features to prevent continuous operation unless their emissions in the restricted bands fully comply with the limits given in § 15.209. Continuous operation of field disturbance sensors designed to be used in farm equipment, vehicles such as fork lifts that are intended primarily for use indoors or for very specialized operations, or railroad locomotives, railroad cars and other equipment which travels on fixed tracks is permitted. A field disturbance sensor will be considered not to be operating in a continuous mode if its operation is limited to specific activities of limited

duration (e.g., putting a vehicle into reverse gear, activating a turn signal, etc.).

(2) Field strength limits are specified at a distance of 3 meters.

(3) Emissions radiated outside of the specified frequency bands, except for harmonics, shall be attenuated by at least 50 dB below the level of the fundamental or to the general radiated emission limits in Section 15.209, whichever is the lesser attenuation.

(4) The emission limits shown above are based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-26333 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 89-481; RM-6918]

#### Radio Broadcasting Services; Morehead City, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of Curtis Radio Group, Inc., substitutes Channel 242C1 for Channel 242C2 at Morehead City, North Carolina, and modifies its license for Station WRHT(FM) to specify operation on the higher powered channel. See 54 FR 47797, November 17, 1989. Channel 242C1 can be allotted to Morehead City in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 242C1 at Morehead City are North Latitude 34-43-18 and West Longitude 76-42-54. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 17, 1990.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 89-481, adopted September 28, 1990, and released November 2, 1990. 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. 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.

#### List of Subjects in 47 CFR Part 73

##### Radio Broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under North Carolina, is amended by removing Channel 242C2 and adding Channel 242C1 at Morehead City.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-26334 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 89-574; RM-7068]

#### Radio Broadcasting Services; Wanchese, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of WOBR, Inc., substitutes Channel 237C3 for Channel 237A at Wanchese, North Carolina, and modifies its license for Station WOBR-FM to specify operation on the higher powered channel. See 55 FR 325, January 4, 1990. Channel 237C3 can be allotted to Wanchese in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.6 kilometers (4.1 miles) northeast to avoid a shortspacing to Station WRNS-FM, Channel 236C, Kinston, North Carolina, and to accommodate petitioner's desired transmitter site. The coordinates for Channel 237C3 at Wanchese are North Latitude 35-53-20 and West Longitude 75-35-20. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 17, 1990.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 89-574, adopted September 28, 1990, and released November 1, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC