

SUPPLEMENTARY INFORMATION: The Site to be deleted from the NPL is the "Crystal City Airport Superfund Site," Crystal City, Texas. A Notice of Intent to Delete for this Site was published on January 4, 1995 (60 FR 422). The closing date for public comment was February 3, 1995. EPA received no comments during the comment period.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as a list of the most serious of those sites. Sites on the NPL may be the subject of remedial response actions financed using the Hazardous Substance Response Trust Fund (Fund). Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP, provides that in the event of a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Hazardous waste.

Dated: March 6, 1995.

William B. Hathaway,

*Acting Regional Administrator,
Environmental Protection Agency, Region 6.*

For the reasons setout in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(d); E.O. 11735, 38 FR 21243; E.O. 12580; 52 FR 2923; E.O. 12777, 56 FR 54757.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing Crystal City Airport Superfund Site, Crystal City, Texas.

[FR Doc. 95–7197 Filed 3–22–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order—7125

[AK–932–1430–01; AA–2793, J–010160]

Partial Revocation of Public Land Order No. 829 and Public Land Order No. 1731; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes two public land orders insofar as they affect approximately 468.81 acres of National Forest System lands withdrawn for use by the Forest Service, Department of Agriculture, for the Herbert River Public Service Site and the Mill Creek Industrial Area. The lands are no longer needed for the purposes for which they were withdrawn. This action also allows the conveyance of the lands to the State of Alaska, if such lands are otherwise available. Any lands described herein that are not conveyed to the State are opened and will be subject to the terms and conditions of the national forest reservation and any other withdrawal of record.

EFFECTIVE DATE: March 23, 1995.

FOR FURTHER INFORMATION CONTACT: Sue A. Wolf, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5477.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 829 and Public Land Order No. 1731, which withdrew lands for use by the Forest Service as administrative sites, recreation areas, or for other public purposes, are hereby revoked insofar as they affect the following described lands:

Copper River Meridian

Tongass National Forest

(a) Public Land Order No. 829 (AA–2793). T. 38 S., R. 64 E., Sec. 35, lots 5, 7, and 8; Sec. 36, lot 6.

The area described contains 132.81 acres. (b) Public Land Order No. 1731 (J–010160). A parcel of land located within sec. 25 of T. 62 S., R. 84 E., and secs. 30 and 31 of T. 62 S., R. 85 E., more particularly described as:

Beginning at U S C & G Station "Virgin" located at Mill Creek on the east shore of Eastern Passage, thence;
East, ¼ mile;
North, 1½ miles;
West, 1 mile to U S C & G Station "Mill";

Southerly, along line of mean high tide of Eastern Passage to point of beginning.

The area described contains approximately 336 acres.

The areas describes aggregate approximately 468.81 acres.

2. The State of Alaska applications for selection made under Section 6(a) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. note prec. 21 (1988), and under Section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e) (1988), become effective without further action by the State upon publication of this public land order in the **Federal Register**, if such lands are otherwise available. Lands not conveyed to the State are opened and will be subject to the terms and conditions of the Tongass National Forest reservation and any other withdrawal of record.

Dated: March 13, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–7157 Filed 3–22–95; 8:45 am]

BILLING CODE 4310–JA–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 90

[PR Docket No. 93–61; FCC 95–41]

Automatic Vehicle Monitoring Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This rule making proceeding adopts rules for the future licensing and continued development of a number of services and equipment using the 902–928 MHz band. In recent years, Automatic Vehicle Monitoring (AVM) systems and unlicensed Part 15 devices have developed and proliferated in this band and are providing services that are valuable and in the public interest. These services range from licensed vehicle location and automatic toll collection systems to unlicensed devices used for utility meter reading and inventory control. The adopted allocation plan for the 902–928 MHz band includes 8 MHz of additional spectrum for AVM services and establishes new provisions for governing the interference obligations of Part 15 and amateur operations in this band. This plan balances the differing operational needs of these varied types of uses so that most AVM systems and Part 15 devices will be able to achieve their service objectives without impeding each other's use of the spectrum. The adopted rules also

modify and eliminate outdated regulations that have not kept pace with the technological evolution of AVM and establish a new service, the Location and Monitoring Service (LMS), that both encompasses the old AVM service and future advanced transportation-related services.

EFFECTIVE DATE: April 24, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas S. Dombrowsky, Martin D. Liebman or John J. Borkowski in the Wireless Telecommunications Bureau at (202) 418-0620.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in PR Docket No. 93-61, adopted February 3, 1995 and released February 6, 1995. The full texts of Commission decisions are available for inspection and copying during normal business hours in the FCC Docket 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 (ITS), Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Paperwork Reduction

The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

Summary of the Report and Order

1. The Commission initiated the AVM service in 1974, when it adopted its *Report and Order* in Docket No. 18302. 30 RR 2d 1665 (1974) (1974 Order). In the 1974 Order, we found that AVM had the potential to accommodate a number of important functions, such as tracking and monitoring large fleets of vehicles and providing information to allow more efficient use of vehicles through better dispatch and routing information. We also noted that AVM systems had already been operating for several years on an experimental and developmental basis, allowing us to gain valuable information regarding advances in AVM technology. [The Commission first licensed AVM on a developmental basis in 1968. In 1972, the Commission sought additional information on the development of AVM since its original inquiry and proposed to adopt rules for permanent licensing. See *Further Notice of Inquiry and Notice of Proposed Rule Making*, Docket No. 18302, 35 FCC 2d

692 (1972). While recognizing the technological progress made by AVM, we concluded that development of new vehicle monitoring technologies was also likely in the future, making it inadvisable to adopt permanent rules until more information was available regarding the viability of such new technologies. Accordingly, we decided to provide for the licensing of AVM systems on both a permanent and a developmental basis under "interim" rules. 1974 Order at para. 5. These rules have remained in effect until now.

2. Our 1974 AVM rules provide for licensing of AVM systems in the 903-912 and 918-927 MHz bands, as well as in several bands below 512 MHz. While little licensing of AVM has occurred below 512 MHz, there has been significant AVM use of the 900 MHz bands in recent years. Existing AVM systems in these bands generally fall into one of two broad technological categories: multilateration systems and non-multilateration systems. Multilateration systems use spread-spectrum technology to locate vehicles (and other moving objects) with great accuracy throughout a wide geographic area. This technology is used, for example, by trucking companies to locate and track their vehicle fleets, by municipal governments to pinpoint the location of their buses, and by entrepreneurs who are developing subscriber-based, stolen vehicle recovery systems. Non-multilateration systems use narrowband technology to transmit data to and from vehicles passing through a particular location. This technology is now providing valuable services to state and local governments operating various types of automated toll collection systems—with an estimated 500,000 cars currently served by such systems—and by the railroad industry in the monitoring of their systems' railway cars.

3. It is expected that in the coming years both types of LMS systems will play an integral role in the development and implementation of the variety of radio advanced transportation-related services, known as "Intelligent Vehicle Highway Systems" (IVHS) or "Intelligent Transportation Systems" (ITS). The ITS is a collection of advanced radio technologies that promise to improve the efficiency and safety of our nation's highways, reduce harmful automobile emissions, promote more efficient energy use, and increase national productivity.

4. To recognize the expected growth of ITS, this *Report and Order* creates a new subpart in Part 90 for Transportation Infrastructure Radio Services (TIRS). The Location and

Monitoring Service (LMS), which uses the 902-928 MHz band, constitutes the first service contained within the TIRS category. As we allocate additional spectrum or create new services intended to further the efficiency of the nation's transportation infrastructure, these new services will likely be regulated under the TIRS. The TIRS will thus further Congress's goal of encouraging ITS by providing an organized and unified approach towards regulating spectrum for ITS-related services.

5. LMS systems will share their portion of the 902-928 MHz band with other users. The band is allocated on a primary basis for use by Government radiolocation systems and Industrial, Scientific, and Medical (ISM) equipment, with Government fixed and mobile operations secondary to these users. Amateur Radio Service licensees operate in the entire band, but on a secondary basis to the ISM, Government and AVM users. Part 15 uses are permitted in this band, but are secondary to all other uses, including AVM and amateur operations.

6. In 1989 and 1990, we also modified our rules to permit enhanced operation of spread spectrum-based radio devices throughout the 902-928 MHz band on an unlicensed basis, pursuant to Part 15 of our Rules. Since modifying our rules to provide for enhanced Part 15 operations, see *Report and Order*, Gen. Docket No. 87-389, 4 FCC Rcd 3493 (1989), 54 FR 17710 (April 25, 1989), and *Report and Order*, Gen. Docket No. 89-354, 5 FCC Rcd 4125 (1990), 55 FR 28760 (July 13, 1990), a large number of equipment manufacturers and entrepreneurial companies have developed radio devices and implemented radio systems employing spread-spectrum technology in the 902-928 MHz band. It is estimated that several million Part 15 devices have been sold and are being used every day to provide a wide variety of valuable services to the American public.

7. On May 28, 1992, North American Teletrac and Location Technologies (Teletrac) filed a Petition for Rule Making (RM-8013) requesting that we adopt permanent rules for licensing AVM systems. On March 11, 1993, in response to Teletrac's petition, we adopted the *Notice of Proposed Rule Making (Notice)* in this proceeding to examine the future licensing and continued development of AVM systems, PR Docket No. 93-61, 8 FCC Rcd. 2502 (1993), 58 FR 21276 (April 20, 1993). In the *Notice*, we propose to replace the existing interim rules for AVM with permanent rules. We also proposed to expand the technical

parameters of the service to permit locating and monitoring of people and objects, as well as vehicles, and therefore proposed to rename the service as the Location and Monitoring Service (LMS). Additionally, we proposed to allocate the entire 902–928 MHz band for LMS, with separate allocations for multilateration LMS systems and non-multilateration LMS systems. We proposed that all LMS systems operate on a shared basis.

8. In response to our *Notice*, we received numerous comments and reply comments from LMS service providers, LMS licensees that use LMS systems to meet their own internal needs (such as railroad companies and local government entities), LMS users, manufacturers and users of Part 15 equipment, and Amateur operators. We solicited further comments and reply comments in response to *ex parte* communications we received. See Public Notice, DA 94–129, PR Docket No. 93–61, 59 Fed.Reg. 7239 (February 15, 1994). Comments offered a wide array of suggestions on the many complex issues raised in the *Notice*. Although we are adopting many of the proposals set forth in our *Notice*, the comprehensive record developed in this proceeding has led us to modify some of our proposals, especially as they concern the spectrum available for the different types of LMS systems, the licensing procedures for the band, and the general obligations of various users of the band.

9. Multilateration and non-multilateration LMS systems, amateur operations, and Part 15 devices will all play an important role in providing valuable services to the American public in the coming years. We believe that our decisions in this proceeding recognize this importance and will enable all of these services to make continued use of this spectrum. We have therefore developed a spectrum plan that attempts to accommodate all of these users' requirements. The plan: (1) continues to permit secondary operations by unlicensed Part 15 and amateurs across the entire band, but affords users in these services a greater degree of protection to their operations; (2) enables non-multilateration LMS systems to operate on spectrum separate from multilateration systems; and (3) allocates spectrum on an exclusive basis for multilateration LMS licenses.

10. In this *Report and Order* we have therefore made the following decisions:

■ Change the name of this service from the Automatic Vehicle Monitoring (AVM) to the Location and Monitoring Service (LMS).

■ Change the terminology used to refer to the two general categories of LMS technologies from “wideband” and “narrowband” to “multilateration” and “non-multilateration,” respectively.

■ Permit multilateration LMS systems to locate any object—animate or inanimate—ancillary to their primary vehicular location and monitoring services.

■ Permit LMS systems to transmit and receive status and instructional information, both non-voice and voice, related to the location and monitoring of a mobile unit and permit LMS systems to interconnect with the Public Switched Network (PSN) on a restricted basis.

■ Expand LMS license eligibility to all entities to be licensed under Part 90 of our Rules and allow service in the 902–928 MHz band to be provided by LMS licensees to both individuals and the Federal Government on a commercial basis to paying subscribers.

■ Clarify what constitutes harmful interference to multilateration licensees by unlicensed Part 15 devices and amateur operations.

■ Allocate an additional 8 MHz of spectrum in the 902–928 MHz band for LMS use, permitting the entire band to be used for this purpose. Adopt a spectrum allocation scheme for the 902–928 MHz band that assigns separate sub-bands for multilateration and non-multilateration operations as follows:

Band (MHz)	System license
902.000–904.000	Non-multilateration.
904.000–909.750	Multilateration.
909.750–919.750	Non-multilateration.
919.750–921.750	Multilateration and non-multilateration.
921.750–927.250	Multilateration.
927.250–928.000	Multilateration ¹ .

¹This is not considered a separate sub-band. Each licensee in the 904.000–909.75 MHz, 919.750–921.750 MHz and 921.750–927.250 MHz sub-bands will obtain a narrowband assignment at the top of the 902–928 MHz band for forward link operations, as follows: 927.250–927.500 MHz for the 921.750–927.250 MHz band; 927.500–927.750 MHz for the 919.750–921.750 MHz band; and 927.750–928.000 MHz for the 904.000–909.750 MHz band.

■ License exclusive multilateration LMS systems within each Major Trading Area (MTA)¹ and four

¹Rand-McNally organizes the 50 states and the District of Columbia into 47 MTAs. See Rand-McNally Commercial Atlas and Marketing Guide, 36–39, (123d ed. 1992). PCIA and Rand-McNally have recently entered into an agreement regarding the use of Rand-McNally's market area designations (i.e., Basic Trading Areas (BTAs) and Major Trading Areas (MTAs)) for the licensing of various mobile radio services. LMS is not covered by this agreement. The listings of the Major Trading Areas, including the counties, parishes and census

additional MTA-like service areas² in the three sub-bands designated above, and resolve mutually exclusive applications through competitive bidding.

■ Grandfather base stations of multilateration system licensees authorized as of February 3, 1995 and constructed and in operation by April 1, 1996.

■ License non-multilateration systems on a shared basis in the three sub-bands designated above.

■ Allow multilateration licensees to commence operations only after demonstrating interference with Part 15 operations is minimized.

Ordering Clauses

11. Accordingly, *It is Ordered* that, pursuant to the authority of Sections 4(i), 302, 303(r), and 332(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 302, 303(r), and 332(a), Parts 2 and 90 of the Commission's Rules, 47 CFR Parts 2 and 90, *Are Amended* as set forth below, effective on April 24, 1995.

12. The Petition for Rule Making filed on January 13, 1994 by the American Radio Relay League *Is Denied*.

13. For further information concerning this *Report and Order*, contact Thomas S. Dombrowsky, Martin D. Liebman or John J. Borkowski of the Wireless Telecommunications Bureau at (202) 418–0620.

Final Regulatory Flexibility Analysis

Pursuant to Section 603 of Title 5, United States Code, 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis was incorporated in the Notice of Proposed Rule Making in PR Docket No. 93–61. Written comments on the proposals in the Notice, including the Initial Regulatory Flexibility Analysis, were requested.

Pursuant to Section 604 of Title 5, United States Code, 5 U.S.C. 604, a Final Regulatory Flexibility Analysis was incorporated in the Report and Order in PR Docket No. 93–61 and is presented below.

A. Need and Purpose of the Action

The rules adopted herein will enhance use of the 902–928 MHz band

divisions that comprise each MTA, are available for public inspection in the Office of Engineering and Technology's Technical Information Center, 2nd Floor, 2000 M Street NW., Washington, D.C.

²The four additional regions are: (1) Guam and the Northern Mariana Islands; (2) the Commonwealth of Puerto Rico and the U.S. Virgin Islands; (3) American Samoa; and (4) Alaska will be treated as a single area separate from the Seattle MTA. This is consistent with our MTA-based service area definitions for broadband PCS (see 47 CFR 24.102) and for the Commercial Mobile Radio Services.

for location and monitoring systems. These rules replace the existing interim rules that govern automatic vehicle monitoring systems. The new rules create a more stable environment for LMS system licensees and provide much needed flexibility for operators of such systems.

B. Issues Raised in Response to the Initial Regulatory Flexibility Analysis

There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.

C. Significant Alternatives Considered and Rejected

All significant alternatives are discussed in this Report and Order.

List of Subjects

47 CFR Part 2

Allocations, Radio.

47 CFR Part 90

Business and industry, Radio.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Amendatory Text

Parts 2 and 90 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 for Part 2 continues to read as follows:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 154(i), 302, 303, 303(r), and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended by revising the entries for 902–928 MHz in the United States table (Cols. 4 through 7) and by revising United States footnotes US218 and US275 to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
* * *	* * *	* * *	902–928 RADIO-LOCATION. 707 US215 US218 US267 US275 G11 G59.	902–928 707 US215 US218 US267 US275.	Private Land Mobile (90). Amateur (97).	915±13 MHz: Industrial, scientific and medical frequency.
*	*	*	*	*	*	*

United States (US) Footnotes

* * * * *

US218 The band 902–928 MHz is available for Location and Monitoring Service (LMS) systems subject to not causing harmful interference to the operation of all Government stations authorized in these bands. These systems must tolerate interference from the operation of industrial, scientific, and medical (ISM) devices and the operation of Government stations authorized in these bands.

* * * * *

US275 The band 902–928 MHz is allocated on a secondary basis to the amateur service subject to not causing harmful interference to the operations of Government stations authorized in this band or to Location and Monitoring Service (LMS) systems. Stations in the Amateur service must tolerate any interference from the operations of industrial, scientific, and medical (ISM) devices, LMS systems, and the operations of Government stations authorized in this band. Further, the Amateur Service is prohibited in those portions of Texas and New Mexico bounded on the south by latitude 31°41' North, on the east by longitude 104°11' West, and on the north by latitude 34°30' North, and on the west by longitude 107°30' West; in addition, outside this area but within 150 miles of these boundaries of White Sands Missile Range the

service is restricted to a maximum transmitter peak envelope power output of 50 watts.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted:

2. Section 90.7 is amended by removing the entry for *Automatic Vehicle Monitoring* and adding new definitions for *Basic trading areas*, *Forward links*, *Location and Monitoring Service (LMS)*, *Major trading areas*, *Multilateral LMS System*, and *Non-multilateral LMS System* in alphabetical order to read as follows:

§ 90.7 Definitions.

* * * * *

Basic trading areas. Service areas that are based on the Rand McNally 1992 *Commercial Atlas & Marketing Guide*, 123rd Edition, at pages 38–39, with the following additions licensed separately as BTA-like areas: American Samoa;

Guam, Northern Mariana Islands; Mayaguez/Aguadilla-Ponce, Puerto Rico; San Juan, Puerto Rico; and the United States Virgin Islands. The Mayaguez/Aguadilla-Ponce BTA-like service area consists of the following municipios: Adjuntas, Aguada, Aguadilla, Anasco, Arroyo, Cabo Rojo, Coamo, Guanica, Guayama, Guayanilla, Hormigueros, Isabela, Jayuya, Juana Diaz, Lajas, Las Marias, Maricao, Maunabo, Mayaguez, Moca, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Sabana Grande, Salinas, San German, Santa Isabel, Villalba, and Yauco. The San Juan BTA-like service area consists of all other municipios in Puerto Rico.

* * * * *

Forward links. Transmissions in the frequency bands specified in § 90.357(a) and used to control and interrogate the mobile units to be located by multilateral LMS systems.

* * * * *

Location and Monitoring Service (LMS). The use of non-voice signaling methods to locate or monitor mobile radio units. LMS systems may transmit and receive voice and nonvoice status

and instructional information related to such units.

* * * * *

Major trading areas. Service areas based on the Rand McNally 1992 *Commercial Atlas & Marketing Guide*, 123rd Edition, at pages 38-39, with the following exceptions and additions:

(a) Alaska is separated from the Seattle MTA and is licensed separately.

(b) Guam and the Northern Mariana Islands are licensed as a single MTA-like area.

(c) Puerto Rico and the United States Virgin Islands are licensed as a single MTA-like area.

(d) American Samoa is licensed as a single MTA-like area.

* * * * *

Multilateration LMS System. A system that is designed to locate vehicles or other objects by measuring the difference of time of arrival, or difference in phase, of signals transmitted from a unit to a number of fixed points or from a number of fixed points to the unit to be located.

* * * * *

Non-multilateration LMS System. A system that employs any of a number of non-multilateration technologies to transmit information to and/or from vehicular units.

* * * * *

3. Section 90.101 is revised to read as follows:

§ 90.101 Scope.

The Radiolocation Service accommodates the use of radio methods for determination of direction, distance, speed, or position for purposes other than navigation. Rules as to eligibility for licensing, permissible communications, frequency available, and any special requirements are set forth in § 90.103. Provisions for the Location and Monitoring Service (LMS) are contained in subpart M of this part.

§ 90.103 [Amended]

4. Section 90.103 is amended by removing paragraph (d) and by redesignating existing paragraph (e) as paragraph (d).

5. Section 90.155 is amended by revising paragraph (a) and adding new paragraphs (d) and (e) to read as follows:

§ 90.155 Time in which station must be placed in operation.

(a) All stations authorized under this part, except as provided in paragraphs (b) and (d) of this section and in §§ 90.629 and 90.631(f), must be placed in operation within eight (8) months from the date of grant or the

authorization cancels automatically and must be returned to the Commission.

* * * * *

(d) Multilateration LMS systems authorized in accordance with § 90.353 must be constructed and placed in operation within twelve (12) months from the date of grant or the authorization cancels automatically and must be returned to the Commission. MTA-licensed multilateration LMS systems will be considered constructed and placed in operation if such systems construct a sufficient number of base stations that utilize multilateration technology (see paragraph (e) of this section) to provide multilateration location service to a substantial portion of at least one BTA in the MTA.

(e) A multilateration LMS station will be considered constructed and placed in operation if it is built in accordance with its authorized parameters and is regularly interacting with one or more other stations to provide location service, using multilateration technology, to one or more mobile units. Specifically, LMS multilateration stations will only be considered constructed and placed in operation if they are part of a system that can interrogate a mobile, receive the response at 3 or more sites, compute the location from the time of arrival of the responses and transmit the location either back to the mobile or to a subscriber's fixed site.

6. Section 90.179 is amended by revising paragraph (f) to read as follows:

§ 90.179 Shared use of radio stations.

* * * * *

(f) Above 800 MHz, shared use on a for-profit private carrier basis is permitted only by SMR, Private Carrier Paging, and LMS licensees. See subparts M, P, and S of this part.

* * * * *

7. Section 90.203 is amended by adding new paragraph (b)(7) to read as follows:

§ 90.203 Type acceptance required.

* * * * *

(b) * * *

(7) Transmitters imported and marketed prior to April 1, 1996 for use by LMS systems.

* * * * *

8. Section 90.205(b) is amended by revising the second column heading, by adding entries for 902 to 927.25 and 927.25 to 928 MHz bands to the table in numerical order, and by adding footnote 13 to read as follows:

§ 90.205 Power.

* * * * *

(b) * * *

Frequency range (megahertz)	Maximum output power (watts)	Maximum effective radiated power (watts)
* * *	*	*
902 to 927.25	¹³ 30
927.25 to 928	300
* * *	*	*

* * * * *

¹³ Effective radiated power shall be measured as peak envelope power.

* * * * *

§ 90.207 [Amended]

9. Paragraph (g) of Section 90.207 is removed and reserved.

10. Section 90.209 is amended by adding new paragraphs (b)(10) and (m) to read as follows:

§ 90.209 Bandwidth limitations.

* * * * *

(b) * * *

(10) The maximum authorized bandwidth shall be 12 MHz for non-multilateration LMS operations in the band 909.75-921.75 MHz and 2 MHz in the band 902.00-904.00 MHz. The maximum authorized bandwidth for multilateration LMS operations shall be 5.75 MHz in the 904.00-909.75 MHz band; 2 MHz in the 919.75-921.75 MHz band; 5.75 MHz in the 921.75-927.25 MHz band and its associated 927.25-927.50 MHz narrowband forward link; and 8.00 MHz if the 919.75-921.75 MHz and 921.75-927.25 MHz bands and their associated 927.25-927.50 MHz and 927.50-927.75 MHz narrowband forward links are aggregated.

* * * * *

(m) For transmitters authorized under Subpart M of this part that operate in the 902-928 MHz bank, the peak power of any emission shall be attenuated below the power of the highest emission contained within the licensee's LMS sub-band in accordance with the following schedule:

(1) On any frequency within the authorized bandwidth: Zero dB.

(2) On any frequency outside the licensee's LMS sub-band edges (as identified in paragraph (m)(5) of this section): 55 + 10 log(P) dB where (P) is the highest emission (watts) of the transmitter inside the licensee's LMS sub-band.

(3) The resolution bandwidth of the instrumentation used to measure the emission power shall be 100 kHz. If a video filter is used, its bandwidth shall not be less than the resolution bandwidth.

(4) Emission power (P) shall be measured in peak values.

(5) The LMS sub-band edges for multilateration systems for which emissions must be attenuated are 904.00, 909.75, 919.75, 921.75, 927.50, 927.75 and 928.00 MHz. If the 919.75–921.75 and 921.75–927.25 MHz sub-bands are aggregated by a single licensee, the emission mask limitations at the band edges at 921.75 and 927.50 MHz may be ignored. The LMS sub-band edges for non-multilateration systems for which emissions must be attenuated are 902.00, 904.00, 909.75 and 921.75 MHz.

11. Section 90.213(a) is amended by adding an entry for the 902 to 928 MHz band to the table in numerical order to read as follows:

§ 90.213 Frequency tolerance.

(a) * * *

FREQUENCY TOLERANCE

Frequency range	Fixed and base stations		Mobile stations	
	Over 200W output power	200W or less output power	Over 2W output power	2W or less output power
902 to 928 ..	.00025	.00025	.00025	.00025
*	*	*	*	*

§ 90.239 [Removed and Reserved].

12. Section 90.239 is removed and reserved.
 13. Subpart M is added to Part 90 to read as follows:

Subpart M—Transportation Infrastructure Radio Service

- Sec.
- 90.350 Scope.
- 90.351 Location and Monitoring Service.
- 90.353 LMS operations in the 902–928 MHz band.
- 90.355 LMS operations below 512 MHz.
- 90.357 Frequencies for LMS systems in the 902–928 MHz band.
- 90.359 Field strength limits for MTA-licensed LMS systems.
- 90.361 Interference from part 15 and Amateur operations.
- 90.363 Grandfathering provisions for existing AVM Licensees.

Subpart M—Transportation Infrastructure Radio Service

§ 90.350 Scope.

The Transportation Infrastructure Radio Service is for the purpose of integrating radio-based technologies into the nation's transportation infrastructure and to develop and implement the nation's intelligent

transportation systems. It includes the Location and Monitoring Service (LMS). Rules as to eligibility for licensing, frequencies available, and any special requirements for services in the Transportation Infrastructure Radio Service are set forth in this Subpart.

§ 90.351 Location and Monitoring Service.

These provisions authorize the licensing of systems in the Location and Monitoring Service (LMS). LMS systems utilize non-voice radio techniques to determine the location and status of mobile radio units. LMS licensees authorized to operate a system in the 902–928 MHz band may serve individuals, federal government agencies, and entities eligible for licensing in this part 90.

(a) Each application to license an LMS system shall include the following supplemental information:

(1) A detailed description of the manner in which the system will operate, including a map or diagram.

(2) The necessary or occupied bandwidth of emission, whichever is greater.

(3) The data transmission characteristics as follows:

(i) The vehicle location update rates;

(ii) Specific transmitter modulation techniques used;

(iii) For codes and timing scheme: A table of bit sequences and their alphanumeric or indicator equivalents, and a statement of bit rise time, bit transmission rates, bit duration, and interval between bits;

(iv) A statement of amplitude-versus-time of the interrogation and reply formats, and an example of a typical message transmission and any synchronizing pulses utilized.

(4) A plan to show the implementation schedule during the initial license term.

(b) LMS stations are exempted from the identification requirements of § 90.425; however, the Commission may impose automatic station identification requirements when determined to be necessary for monitoring and enforcement purposes.

§ 90.353 LMS operations in the 902–928 MHz band.

LMS systems may be authorized within the 902–928 MHz band, subject to the conditions in this section. LMS licensees are required to maintain whatever records are necessary to demonstrate compliance with these provisions and must make these records available to the Commission upon request:

(a) LMS operations will not cause interference to and must tolerate

interference from industrial, scientific, and medical (ISM) devices and radiolocation Government stations that operate in the 902–928 MHz band.

(b) LMS systems are authorized to transmit status and instructional messages, either voice or non-voice, so long as they are related to the location or monitoring functions of the system.

(c) LMS systems may utilize store and forward interconnection, where either transmissions from a vehicle or object being monitored are stored by the LMS provider for later transmission over the public switched network (PSN), or transmissions received by the LMS provider from the PSN are stored for later transmission to the vehicle or object being monitored. Real-time interconnection between vehicles or objects being monitored and the PSN will only be permitted to enable emergency communications related to a vehicle or a passenger in a vehicle. Such real-time, interconnected communications may only be sent to or received from a system dispatch point or entities eligible in the Public Safety or Special Emergency Radio Services. See subparts B and C of this part.

(d) Multilateration LMS systems will be authorized on a primary basis within the bands 904–909.75 MHz and 921.75–927.25 MHz. Additionally, multilateration and non-multilateration systems will share the 919.75–921.75 MHz band on a co-equal basis. Licensing will be on the basis of Major Trading Area (MTA) service areas for multilateration systems, with one exclusive MTA license being issued for each of these three sub-bands. Except as provided in paragraph (f) of this section, multilateration MTA licensees may be authorized to operate on only one of the three multilateration bands within a given MTA. Additionally, MTA multilateration LMS licenses will be conditioned upon the licensee's ability to demonstrate through actual field tests that their systems do not cause unacceptable levels of interference to 47 CFR part 15 devices.

(e) Multilateration MTA-licensed systems and grandfathered AVM systems (see § 90.363) are authorized on a shared basis and must cooperate in the selection and use of frequencies in accordance with § 90.173(b).

(f) Multilateration MTA licensees may be authorized to operate on both the 919.75–921.75 MHz and 921.75–927.25 MHz bands within a given MTA (see § 90.209(b)(10)).

(g) Multilateration LMS systems whose primary operations involve the provision of vehicle location services, may provide non-vehicular location services.

(h) Non-multilateration stations are authorized to operate on a shared, non-exclusive basis in the 902–904 MHz and 909.75–921.75 MHz sub-bands. Non-multilateration systems and multilateration systems will share the 919.75–921.75 MHz band on a co-equal basis. Non-multilateration LMS systems may not provide non-vehicular location services. The maximum antenna height above ground for non-multilateration LMS systems is 15 meters.

§ 90.355 LMS operations below 512 MHz.

Applications requiring not more than 25 kHz bandwidth per frequency in the 25–50 MHz, 150–170 MHz, and 450–512 MHz bands may use either base-mobile frequencies currently assigned the applicant, or be assigned base-mobile frequencies available in the service in which eligibility has been established, provided that:

(a) For transmission between vehicles and base stations, each frequency in a single-frequency mode of operation will provide location data for approximately 200 vehicles, or both frequencies in a two-frequency mode of operation will provide location data for approximately 400 vehicles, except that for frequencies in the 450–512 MHz band that are assigned in pairs in accordance with the allocation plan for the band, the requirement is that location data be provided for approximately 200 vehicles for each frequency pair; and a showing is made that 50 percent of the vehicles will be in operation within the system by the end of the second year of the initial license term, and 70 percent will be in operation within the system by the end of the initial license term; except that if these vehicle loading standards will not be met, frequencies will be assigned only on a secondary non-interference basis to any authorized radiotelephony operation.

(b) The minimum separation between a proposed LMS station and the nearest co-channel base station of another licensee operating a voice system is 75 miles (120 km) for a single frequency mode of operation or 35 miles (56 km) for a two-frequency mode of operation. Where the minimum mileage separation cannot be achieved, agreement to the use of F1D, F2D, G1D, G2D or P0N emission must be received from all existing co-channel licensees using voice emissions within the applicable mileage limits. If there is interference with voice operations and required agreement was not received, or operation was authorized on a secondary non-interference basis, the licensee of the LMS system is responsible for eliminating the interference.

(c) Frequencies additional to any assigned under paragraph (a) of this section will not be assigned to the same licensee at any stations located within 64 km (40 miles) of any station in which the licensee holds an interest until each of such licensee's frequencies for LMS operation is shown to accommodate not less than 90 percent of the frequency loading requirements specified in paragraph (a) of this section.

§ 90.357 Frequencies for LMS systems in the 902–928 MHz band.

(a) Multilateration LMS systems will be authorized on the following LMS sub-bands:

LMS Sub-band	Forward Link ¹
904.000–909.750 MHz.	927.750–928.000 MHz.
919.750–921.750 MHz ² .	927.500–927.750 MHz.
921.750–927.250 MHz.	927.250–927.500 MHz.

¹ Forward links for LMS systems may also be contained within the LMS sub-band. However, the maximum allowable power in these sub-bands is 30 watts ERP in accordance with Section 90.205(b).

² The frequency band 919.750–921.750 MHz is shared co-equally between multilateration and non-multilateration LMS systems.

(b) Non-multilateration LMS systems will be authorized on the following frequency bands:

*LMS Sub-band*¹

902.000–904.000 MHz
909.750–921.750 MHz

¹ Applicants for non-multilateration LMS systems should request only the minimum amount of bandwidth necessary to meet their operational needs.

§ 90.359 Field strength limits for MTA-licensed LMS systems.

MTA-licensed multilateration systems shall limit the field strength of signals transmitted from their base stations to 47 dBuV/m at their MTA boundary.

§ 90.361 Interference from part 15 and Amateur operations.

Operations authorized under parts 15 and 97 of this chapter may not cause harmful interference to LMS systems in the 902–928 MHz band. These operations will not be considered to be causing harmful interference to a multilateration LMS system operating in one of the three MTA sub-bands (see § 90.357(a)) if they operate in accordance with the provisions of parts 15 or 97 of this chapter and at least one of the following conditions are met:

(a) It is a field disturbance sensor operating under § 15.245 of this chapter and it is not operating in the 904–

909.750 or 919.750–928.000 MHz sub-bands; or

(b) It does not employ an outdoor antenna; or

(c) If it does employ an outdoor antenna, then if:

(1) The directional gain of the antenna does not exceed 6 dBi, or if the directional gain of the antenna exceeds 6 dBi, it reduces its transmitter output power below 1 watt by the proportional amount that the directional gain of the antenna exceeds 6 dBi; and

(2) Either:

(i) The antenna is 5 meters or less in height above ground; or

(ii) The antenna is more than 5 meters in height above ground but less than or equal to 15 meters in height above ground and either:

(A) Adjusts its transmitter output power below 1 watt by 20 log (h/5) dB, where h is the height above ground of the antenna in meters; or

(B) Is providing the final link for communications of entities eligible under subpart B or C of this part 90.

§ 90.363 Grandfathering provisions for existing AVM licensees.

(a) These provisions authorize grandfathered operation by automatic vehicle monitoring (AVM) systems licensed on or before February 3, 1995. To attain grandfathered status for their stations, existing multilateration AVM licensees must file, on or before May 22, 1995, applications to modify their station licenses to comply with the band plan shown in § 90.357(a). These applications to modify must identify the multilateration sub-band or sub-bands in which the applicants intend to operate their LMS system stations, once their applications to modify have been authorized. The application to modify a license to comply with the band plan shown in § 90.357(a) may also include a modification to specify an alternate site, so long as the alternate site is 2 kilometers or less from the site specified in the original license.

(b) When existing multilateration AVM licensees file applications to modify, as specified in paragraph (a) of this section, they *must* certify that either:

(1) The stations that compose their AVM system were constructed and placed in operation in accordance with § 90.155(e) on or before February 3, 1995; or

(2) The stations were not constructed and placed in operation in accordance with § 90.155(e) on or before February 3, 1995.

(c) Multilateration AVM systems that were constructed and placed in operation on or before February 3, 1995

will be given until April 1, 1998 to convert to the spectrum identified in their LMS system license. Such licensees may continue to operate their systems during this period. Licensees of multilateration AVM constructed and operational systems that do not file applications to modify on or before May 22, 1995, will be permitted to continue operations under the provisions of former Section 90.239 until April 1, 1998 or the end of their original license term, whichever occurs first, at which time such licenses will cancel automatically and will not be renewed.

(d) Multilateration AVM licensees for stations that were not constructed and placed in operation on or before February 3, 1995 must construct their LMS systems and place them in operation on the spectrum identified in their LMS system license on or before April 1, 1996, or their licenses will cancel automatically (see § 90.155(e)). Also, these licenses will cancel automatically on May 22, 1995 unless timely modification applications are filed on or before this date (see paragraph (a) of this section).

(e) Non-multilateration systems licensed in spectrum other than the 902.00–904.00 and 909.75–921.75 MHz bands must modify their licenses by April 1, 1998 to specify operation solely in the bands provided in § 90.357(b) for non-multilateration systems and to operate their systems consistently with the provisions of § 90.353.

[FR Doc. 95–5785 Filed 3–22–95; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 90–44; RM–7123 and RM–7367]

Radio Broadcasting Services; East Los Angeles, Long Beach, and Frazier Park, California

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission grants the rule making petition (RM–7123) of Spanish Broadcasting System of Florida, Inc., licensee of Station KLAX-FM, Channel 250B, Long Beach, California, requesting a reallocation of its Class B channel in Long Beach to the community of East Los Angeles, California. See *Notice of Proposed Rule Making*, 55 FR 6808, published February 27, 1990. The Commission dismisses the counterproposal (RM–7367) of Richard A. Cramer, to allot Channel 251A to Frazier Park, California as its first local service.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: The Commission ordered modification of the license of Station KLAX-FM, Long Beach, to specify East Los Angeles as the new community of license. Channel 250B can be allotted to East Los Angeles in compliance with the Commission's requirements for minimum interstation distance separations with a site restricted to 18.9 kilometers (11.7 miles) east of East Los Angeles, located at coordinates North Latitude 34–02–45 and West Longitude 118–21–20. Because East Los Angeles is within 320 kilometers (199 miles) of the Mexican border, concurrence of the Mexican government in this proposal was obtained. With this action, the proceeding is terminated.

This is a summary of the Commission's *Report and Order*, MM Docket No. 90–44, adopted March 7, 1995 and released March 17, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 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 Services, (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 reads as follows:

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 250B at Long Beach and adding Channel 250B at East Los Angeles.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–7124 Filed 3–22–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 90–522; RM–7493, RM–7499]

Radio Broadcasting Services; LaCrosse, Florida and Douglas, Georgia

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 258A to LaCrosse, Florida, as that community's first local aural transmission service, at the request of Robert E. Wideman (RM–7499), and denies the substitution of Channel 258C for Channel 258C1 at Douglas, Georgia at the request of WDMG, Inc., (RM–7493). In doing so, this document sets aside the *Report and Order* in this proceeding, upgrading Station WDMG(FM), Douglas, Georgia to Channel 258C. See 58 FR 7194, February 5, 1993. Channel 258A can be allotted to LaCrosse in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.1 kilometers (8.2 miles) southeast, in order to avoid a short-spacing to Station WDMG(FM), Channel 258C1, Douglas, Georgia, and Station WQIK(FM), Channel 256C, Jacksonville, Florida, at coordinates North Latitude 29–44–38 and West Longitude 82–19–52. This document also reopens the filing window for Channel 258A at LaCrosse, Florida, which was stayed by a previous *Order*. See 58 FR 16780, March 31, 1993. With this action, this proceeding is terminated.

DATES: Effective May 1, 1995. The window period for filing applications for Channel 258A at LaCrosse, Florida, will be open on May 1, 1995, and close on June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No. 90–522, adopted March 9, 1995, and released March 17, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW, Room 246, or 2100 M Street, NW, Suite 140, Washington, D. C. 20037.