

47 CFR Part 73

[MM Docket No. 87-267]

Radio Broadcast Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final rules that were published Thursday, December 12, 1991 (56 FR 64842). The rules related to improvement of the AM broadcast service.

EFFECTIVE DATE: April 19, 1992.

FOR FURTHER INFORMATION CONTACT: William A. Dever, (202) 418-2689.

SUPPLEMENTARY INFORMATION:

Background

The final rules that are the subject of these corrections were adopted in the Federal Communications Commission's Report and Order in MM Docket No. 87-267, which was published on December 12, 1991 (56 FR 64842). The rules, which related generally to improvement of the AM broadcast service, were intended to include all of the rules adopted in the Commission's Report and Order in MM Docket No. 89-46, which were published on August 13, 1990 (55 FR 32922), and which provided for interference reduction between AM broadcast stations.

Need for Correction

The amendatory text accompanying the Report and Order in MM Docket No. 87-267 omitted two provisions that were adopted in MM Docket No. 89-46, and that were intended to be included in the final rules in MM Docket No. 87-267.

Correction of Publication

Accordingly, 47 CFR Part 73 is corrected by making the following correcting amendments:

PART 73—AMENDED

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

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

§ 73.1750 [Corrected]

2. Section 73.1750 is amended to add the following language at the end to read as follows:

§ 73.1750 Discontinuance of operation.

* * * If a licensee surrenders its license pursuant to an interference reduction arrangement, and its surrender is contingent upon the grant of another application, the licensee surrendering the license must identify

in its notification the contingencies involved.

3. Section 73.3571(c)(1) is amended by redesignating paragraphs (c)(1) and (c)(2) as (c)(2) and (c)(3), and by adding new paragraph (c)(1) to read as follows:

§ 73.3571 Processing of AM broadcast station applications. [Corrected]

* * * * *

(c) * * *

(1) In order to grant a major or minor change application made contingent upon the grant of another licensee's request for a facility modification, the Commission will not consider mutually exclusive applications by other parties that would not protect the currently authorized facilities of the contingent applicants. Such major change applications remain, however, subject to the provisions of §§ 73.3580 and 1.1111. The Commission shall grant contingent requests for construction permits for station modifications only upon a finding that such action will promote the public interest, convenience and necessity.

* * * * *

William F. Caton,

Acting Secretary.

[FR Doc. 96-22429 Filed 9-3-96; 8:45 am]

BILLING CODE 6712-01-U

47 CFR Parts 80 and 95

[WT Docket No. 95-56; FCC 96-315]

Amendment of the Commission's Rules Concerning Low Power Radio and Automated Maritime Telecommunications System Operations in the 216-217 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the maritime service and personal radio service rules to permit the shared use of the 216-217 MHz band on a secondary, non-interference basis, for a new Low Power Radio Service (LPRS) to include auditory assistance devices, health care assistance devices, law enforcement tracking systems, and automated maritime telecommunications system (AMTS) point-to-point network control communications. The effect of this rule is to: increase educational opportunities and access to telecommunications devices for persons with disabilities; facilitate health care services, strengthen law enforcement, and maximize efficiency in the use of AMTS coast stations frequencies. This action promotes effective utilization of presently unused radio spectrum.

EFFECTIVE DATE: October 4, 1996.

FOR FURTHER INFORMATION CONTACT:

Roger Noel or Ira Keltz of the Commission's Wireless Telecommunications Bureau at (202) 418-0680 or via email at mayday@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, FCC 96-315, adopted July 25, 1996, and released August 2, 1996. The full text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239) 1919 M Street, NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., 2100 M Street NW., Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Summary of Order

1. The 216-220 MHz band was originally allocated to the AMTS to provide automated, integrated, interconnected ship-to-shore communications for vessel operators. The 216-217 MHz portion of the band, however, was found to be unusable by high power AMTS coast stations within 105 miles of TV channel 13 stations, which operate on the immediately adjacent 210-216 MHz band, due to the potential for harmful interference. On May 16, 1995, the Commission released a *Notice of Proposed Rule Making*, 60 FR 28079 (May 30, 1995), in this proceeding proposing to permit the shared use of the 216-217 MHz band for a new LPRS and low power AMTS communications.

2. This action authorizes use of the 216-217 MHz band for a new service, the LPRS, for auditory assistance, radio-based health care, law enforcement tracking, and AMTS point-to-point network control communications. LPRS transmitters will be authorized on a secondary, non-interference, basis and must not cause harmful interference to TV receivers within the Grade B contour of any TV channel 13 station or cause harmful interference to the United States Navy's Space Surveillance System (SPASUR) operating in the 216.88-217.08 MHz band.

3. Rather than licensing each station individually, this action authorizes LPRS transmitters by rule under the Citizens Band Radio Service in Part 95 of the Commission's rules. This approach greatly reduces administrative and economic burdens for individuals and organizations that will use LPRS systems by not requiring them to file license applications and remit fees to the Commission prior to using these low

power devices. Although these devices may be used anywhere in the United States, its territories, and possessions, LPRS devices may only be operated as follows: for auditory assistance communications (including but not limited to applications such as assistive listening devices, audio description for the blind, and simultaneous language translation); for health care related communications; for law enforcement tracking purposes; and for AMTS point-to-point network control communications.

4. In order to promote flexible use of the 216–217 MHz band, the LPRS channel plan accommodates a variety of channel bandwidths and technologies. We believe that this flexible channel plan will allow consumers to choose equipment that best suits their needs. The channel plan permits LPRS transmitters (excluding AMTS) to utilize 40 twenty-five kilohertz (standard band) channels, 20 fifty kilohertz (extra band) channels, or 200 five kilohertz (narrow band) channels. These channels are overlapping and extend throughout the entire one megahertz band. AMTS transmissions, however, will be limited to the 216.750–217.000 MHz band and may use this entire segment as a single wideband channel or may use any of the three channelizations described above. In order to minimize the potential for harmful interference to TV reception and federal government radar, all LPRS transmissions are limited to 100 milliwatts effective radiated power and must comply with the out of band emission and frequency stability requirements as described in the final rules.

5. This rule is necessary in order to provide for the utilization of presently unused radio spectrum. This action also furthers the goals of the Americans with Disabilities Act of 1990 and the Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994 by promoting the development and use of affordable telecommunications devices by persons with disabilities in places such as educational settings, public gathering places, and health care facilities. Additionally, this action promotes the development of state-of-the-art law enforcement tools that will facilitate the reduction of crime and law enforcement costs by expediting the retrieval of stolen goods and apprehension of suspects. Finally, this action benefits vessel operators on our nation's waterways by increasing the efficiency of channel usage for AMTS coast stations.

5. This *Report and Order* is issued under the authority of sections 4(i), 302,

303(r), and 307(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 302, 303(r), and 307(e).

Final Regulatory Flexibility Analysis

As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 603 (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rule Making*. The Commission sought written public comments on the proposals in the *Notice of Proposed Rule Making*, including on the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) in this *Report and Order* conforms to the RFA, as amended by the Contract With America Advancement Act of 1996 (CWAAA), Public Law No. 104–121, 110 Stat. 847 (1996).

I. Need For and Purpose of this Action

Our objective is to permit the shared use of the 216–217 MHz band on a secondary basis by a new Low Power Radio Service (LPRS)—consisting of auditory assistance devices, health care aids, law enforcement tracking systems and AMTS point-to-point network control communications. This action will: (1) promote the utilization of presently unused spectrum; (2) speed development and delivery of advanced telecommunications devices for persons with disabilities and illnesses; (3) promote the development of tools for use by federal, state, and local law enforcement agencies in retrieving stolen goods and deterring crime; and (4) increase system efficiency in the AMTS.

In creating a new LPRS, we find that the potential benefits to persons with disabilities and illnesses, the law enforcement community, and vessel operators exceed any negative effects that may result from the promulgation of rules for this purpose. Thus, we conclude that the public interest is served by creating a new LPRS in the 216–217 MHz band.

II. Summary of Issues Raised by the Public Comments in Response to the Initial Regulatory Flexibility Analysis (IRFA)

No comments were filed in direct response to the IRFA. In general comments on the *Notice of Proposed Rule Making*, however, some small business commenters raised issues that might affect small entities. In particular, some small business commenters argued that requiring very low power LPRS devices to be licensed by the Commission would be overly burdensome on small entities and

individuals and could deter them from using LPRS systems. Small business commenters also noted that the Commission should channelize the 216–217 MHz band in order to promote the conversion of existing equipment (operating in 72–76 MHz band) to the higher band and the rapid deployment of auditory assistance systems. Further, small business commenters asked the Commission to eliminate the requirement for LPRS transmitters to employ crystal oscillators to control frequency stability. These small business commenters noted that there may be other technologies that may be economically and technically viable, while providing adequate frequency control. The Commission carefully considered each of these comments in reaching the decisions set forth in this Notice.

III. Changes Made to the Proposed Rules

In the *Notice of Proposed Rule Making*, the Commission proposed to generally license LPRS stations regionally based on Metropolitan Statistical Areas (MSAs) and Rural Service Areas (RSAs), with the AMTS stations licensed under the Maritime Service Rules in Part 80 and two of the law enforcement tracking channels under the Police Radio Service in Part 90. The Commission also proposed to require the public to apply for these licenses using FCC Form 600 or FCC Form 503 (AMTS only). However, the Commission here determines that the public interest is served by licensing all LPRS stations by rule, rather than individually. The Commission proposed to divide the 216–217 MHz band into 40, twenty-five kilohertz channels. In order to promote technical flexibility and allow consumers to choose among a broader range of low power equipment, the Commission decided to instead divide the band into 40, twenty-five kilohertz channels (standard band), 20, fifty kilohertz channels (extra band), 200, five kilohertz channels (narrowband), and permit AMTS operations in the highest two hundred fifty kilohertz block of the band. The Commission proposed to permit 100 milliwatt and 1 watt transmissions in the lower and upper portions of the 216–217 MHz band, respectively. Based on the comments, however, the Commission decides to instead limit LPRS transmitter power to 100 milliwatts. The Commission also deviates from the proposed rules to expand the scope of the LPRS to include auditory assistance services for all persons in educational settings and persons that require language translation in any setting. The

Commission decides not to specify the means by which manufacturers may provide for frequency stability in LPRS transmitters. Finally, the Commission determines that it is unnecessary for AMTS licensees to notify channel 13 TV stations of proposed LPRS point-to-point operations other than those stations that were not originally notified at licensing.

IV. Description and Estimate of the Small Entities Subject to the Rules

The rules adopted in this *Report and Order* will apply to small businesses that choose to use, manufacturer, design, import, or sell auditory assistance devices, radio-based health care aids, law enforcement tracking systems, or AMTS point-to-point transmitters. There is no requirement, however, for any entity to use or produce these types of products.

A. Estimates for LPRS Manufacturers/Importers

The Commission has not developed a definition of small entities specifically applicable to LPRS manufacturers and importers. Therefore, the applicable definition of small entity is the definition under the Small Business Administration rules applicable to radio and television broadcasting and communications equipment manufacturers. This definition provides that a small entity is any entity employing less than 750 persons. See 13 CFR § 121.201, Standard Industrial Classification (SIC) Code 3663. Additionally, the Small Business Administration rules state that wholesale electronic parts and equipment firms must have 100 or fewer employees in order to qualify as a small business entity. See 13 CFR § 121.201. Since the Regulatory Flexibility Act amendments were not in effect until the record in this proceeding was closed, the Commission was unable to request information regarding the number of small entities that may choose to manufacture LPRS equipment and is unable at this time to make a meaningful estimate of the number of potential manufacturers which are small businesses.

The 1992 Census of Manufacturers, conducted by the Bureau of Census, which is the most comprehensive and recent information available, shows that approximately 925 out of the 948 entities manufacturing radio and television transmitting equipment in 1992 employed less than 750 persons. We are unable to discern from the Census data precisely how many of these manufacturers produce devices similar to those that will be used under

the new LPRS. Further, any entity may choose to manufacture LPRS equipment. Further, 12,161 of the 12,654 wholesale electronic parts and equipment firms have fewer than 100 employees, and would be classified as small entities. Therefore, for purposes of our evaluations and conclusions in this Final Regulatory Flexibility Analysis, we estimate that there are at least 13,086 potential manufacturers or importers of LPRS equipment which are small businesses, as that term is defined by the Small Business Administration.

B. Estimates for AMTS Licensees

The Commission has not developed a definition of small entities specifically applicable to AMTS licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration rules applicable to radiotelephone service providers. This definition provides that a small entity is any entity employing less than 1,500 persons. See 13 CFR § 121.201, Standard Industrial Classification (SIC) Code 4812. Since the Regulatory Flexibility Act amendments were not in effect until the record in this proceeding was closed, the Commission was unable to request information regarding the number of small AMTS businesses and is unable at this time to determine the precise number of AMTS firms which are small businesses.

The size data provided by the Small Business Administration does not enable us to make a meaningful estimate of the number of AMTS firms which are small businesses. Therefore, we used the 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available. This document shows that only 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. There are three AMTS licensees which are authorized on an exclusive basis along the Mississippi River, portions of the West Coast, and nearly the entire East Coast. Because most of the nation's coastline has or will be covered by the present licensees, it is unlikely that a large number of additional licenses will be authorized in the future. Therefore, for purposes of our evaluations and conclusions in this Final Regulatory Flexibility Analysis, we estimate that there are three AMTS licensees which are small businesses, as that term is defined by the Small Business Administration.

V. Summary of Projected Reporting, Recordkeeping and Other Compliance Requirements

In order to facilitate operation of LPRS devices without individual licenses, we are imposing four separate regulatory burdens that may affect small businesses.

(1) Prior to marketing an LPRS device in the U.S., a manufacturer must have the unit type accepted by the Commission under the technical criteria set forth in the final rules. The criteria include channel specifications and emission limitations that will facilitate the shared use of the 216–217 MHz band by a diverse group of users. All classes of small businesses could potentially be affected by this requirement. In order to have a unit type accepted, a small entity would have to test the radio equipment and provide clerical support to file the requisite FCC application forms. Both of these functions could be handled by a third party.

(2) Each LPRS transmitter sold must have included with it the following statement: "This transmitter is authorized by rule under the Low Power Radio Service (47 C.F.R. Part 95) and must not cause harmful interference to TV reception or United States Navy SPASUR installations. You do not need an FCC license to operate this transmitter. This transmitter may only be used to provide: auditory assistance to persons with disabilities, persons who require language translation, or persons in educational settings; health care services to the ill; law enforcement tracking services under agreement with a law enforcement agency; or automated maritime telecommunications system (AMTS) network control communications Two-way voice communications and all other types of uses are expressly prohibited." All classes of small businesses could potentially be affected. Because the Commission is providing specific language to be included with each device, a small business would need clerical support to add this language to the instruction manual for the device.

(3) Unless the transmitter is so small as to make this requirement impractical, each LPRS transmitter sold must bear the following statement in a conspicuous location on the device: "This device may not interfere with TV reception or federal government radar, and must accept any interference received, including interference that may cause undesired operation." The Commission does not specify whether this statement must be inscribed into

the unit or attached via a label or sticker.

(4) AMTS licensees must notify, in writing, each television station that may be affected by these new low power operations. There is no need, however, for AMTS licensees to renotify television stations that were previously alerted concerning AMTS operations in their areas.

VI. Steps Taken to Minimize the Significant Economic Impact on Small Entities

The Commission in this proceeding has considered comments on ways to implement a new LPRS. In doing so, the Commission has adopted alternatives which minimize burdens placed on small entities. First, it has decided not to require LPRS transmitters to be individually licensed, as proposed in the *Notice of Proposed Rule Making* in this proceeding. This approach eliminates the need for small entities and individuals to apply for a license and remit processing fees. Second, as the small business commenters point out, dividing the 216–217 MHz band into forty, twenty-five kilohertz channels will allow existing equipment designs (e.g., 72–76 MHz band equipment) to be converted to permit operation in the higher band. This approach promotes the rapid delivery of LPRS devices to the public with a minimum negative impact on manufacturers who are small businesses. Third, it has decided not to require LPRS transmitter stability to be controlled by crystal oscillators. This approach permits manufacturers to use other technologies that may be cheaper to implement and can provide equivalent, if not better, control of a unit's operating frequency. Fourth, it has decided not to require AMTS licensees to renotify broadcast licensees prior to commencing point-to-point operations under the LPRS. Renotification is unnecessary because AMTS applicants already notify affected broadcast licensees prior to licensing. Further, it is unlikely that AMTS point-to-point operations will affect broadcast licensees that have not already been notified. This action eliminates unnecessary economic and administrative burdens for AMTS providers that are also small businesses. Fifth, the Commission has taken steps to minimize the economic burdens associated with the labeling requirement found in § 95.1017. The Commission minimized the number of words to be included in the label (half the number of words required for similar devices under Part 15 of our rules) and did not require the words to be engraved or

molded into the transmitter unit. This action reduces burdens and increases flexibility for manufacturers that are also small entities.

VII. Significant Alternatives Considered and Rejected

The Commission considered and rejected several significant alternatives. The Commission rejected the alternative of requiring LPRS transmitters to be licensed individually because it determined that such a procedure would not further spectrum management or enforcement goals and would place administrative and economic burdens on the public. The Commission also rejected the alternative of permitting one-watt transmissions in the 216–217 MHz band because of the potential for harmful interference to TV reception. Finally, the Commission rejected the alternative of requiring the use of crystal oscillators because there are other technologies that can control frequency stability that may be cheaper and just as efficient to implement. By rejecting these alternatives, the Commission seeks to provide flexibility in the licensing and design of these low power transmitters while eliminating unnecessary regulatory burdens for small entities.

VIII. Report to Congress

The Commission shall send a copy of this Final Regulatory Flexibility Analysis, along with this *Report and Order*, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. § 801(a)(1)(A). A copy of this FRFA will also be published in the Federal Register.

List of Subjects

47 CFR Part 80

Communications equipment, Radio, Vessels.

47 CFR Part 95

Communications equipment, Radio, Federal Communications Commission, William F. Caton, Acting Secretary.

Rule Changes

Parts 80 and 95 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for Part 80 continues to read as follows:

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

1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.385 is amended by revising footnote 2 to the table in paragraph (a)(2) to read as follows:

§ 80.385 Frequencies for automated systems.

*	*	*	*	*
(a)	*	*	*	
(2)	*	*	*	

² Coast station operation on frequencies in Groups C and D are not currently assignable and are shared on a secondary basis with the Low Power Radio Service in part 95 of this chapter. Frequencies in the band 216.750–217.000 MHz band are available for low power point-to-point network control communications by AMTS coast stations under the Low Power Radio Service (LPRS). LPRS operations are subject to the conditions that no harmful interference is caused to the United States Navy's SPASUR radar system (216.88–217.08 MHz) or to TV reception within the Grade B contour of any TV channel 13 station or within the 68 dBu predicted contour of any low power TV or TV translator station operating on channel 13.

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PART 95—PERSONAL RADIO SERVICES

1. The authority citation for Part 95 continues to read as follows:

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

2. Section 95.401 is amended by adding paragraph (c) to read as follows:

§ 95.401 (CB Rule 1) What are the Citizens Band Radio Services?

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(c) The Low Power Radio Service (LPRS)—a private, short-distance communication service providing auditory assistance to persons with disabilities, persons who require language translation, and persons in educational settings, health care assistance to the ill, law enforcement tracking services in cooperation with law enforcement, and point-to-point network control communications for Automated Marine Telecommunications System (AMTS) coast stations licensed under part 80 of this chapter. The rules for this service are listed under subpart G of this part. Two-way voice communications are prohibited.

3. Section 95.601 is revised to read as follows:

§ 95.601 Basis and purpose.

This section provides the technical standards to which each *transmitter* (apparatus that converts electrical energy received from a source into RF (radio frequency) energy capable of

being radiated) used or intended to be used in a station authorized in any of the Personal Radio Services must comply. This section also provides requirements for obtaining type acceptance or type certification for such transmitters. The Personal Radio Services are the GMRS (General Mobile Radio Service)—subpart A, the Family Radio Service (FRS)—subpart B, the R/C (Radio Control Radio Service)—subpart C, the CB (Citizens Band Radio Service)—subpart D, and the Low Power Radio Service (LPRS)—subpart G.

4. Section 95.603 is amended by adding paragraph (e) to read as follows:

§ 95.603 Type acceptance or certification required.

* * * * *

(e) Each Low Power Radio Service transmitter (a transmitter that operates or is intended to operate in the LPRS) must be type accepted.

5. Section 95.605 is revised to read as follows:

§ 95.605 Type acceptance and certification procedures.

Any entity may request type acceptance for its transmitter when the transmitter is used in the GMRS, R/C, CB, IVDS, or LPRS following the procedures in part 2 of this chapter.

Any entity may request certification for its transmitter when the transmitter is used in the FRS following the procedures in part 2 of this chapter.

6. Sections 95.629 through 95.671 are redesignated as 95.631 through 95.673 respectively, and a new Section 95.629 is added to read as follows:

§ 95.629 LPRS transmitter frequencies.

(a) LPRS transmitters may operate on any frequency listed in paragraphs (b), (c), and (d) of this section. Channels 19, 20, 50, and 151–160 are available exclusively for law enforcement tracking purposes. AMTS transmissions are limited to the 216.750–217.000 MHz band for low power point-to-point network control communications by AMTS coast stations. Other AMTS transmissions in the 216–217 MHz band are prohibited.

(b) Standard band channels.

(1) The following table indicates standard band frequencies. The channel bandwidth is 25 kHz.

Channel No.	Center frequency (MHz)
1	216.0125
2	216.0375
3	216.0625
4	216.0875
5	216.1125
6	216.1375

Channel No.	Center frequency (MHz)
7	216.1625
8	216.1875
9	216.2125
10	216.2375
11	216.2625
12	216.2875
13	216.3125
14	216.3375
15	216.3625
16	216.3875
17	216.4125
18	216.4375
19	216.4625
20	216.4875
21	216.5125
22	216.5375
23	216.5625
24	216.5875
25	216.6125
26	216.6375
27	216.6625
28	216.6875
29	216.7125
30	216.7375
31	216.7625
32	216.7875
33	216.8125
34	216.8375
35	216.8625
36	216.8875
37	216.9125
38	216.9375
39	216.9625
40	216.9875

(2) LPRS transmitters operating on standard band channels must be maintained within a frequency stability of 50 parts per million.

(c) Extra band channels.

(1) The following table indicates extra band frequencies. The channel bandwidth is 50 kHz.

Channel No.	Center frequency (MHz)
41	216.025
42	216.075
43	216.125
44	216.175
45	216.225
46	216.275
47	216.325
48	216.375
49	216.425
50	216.475
51	216.525
52	216.575
53	216.625
54	216.675
55	216.725
56	216.775
57	216.825
58	216.875
59	216.925
60	216.975

(2) LPRS transmitters operating on extra band channels must be maintained

within a frequency stability of 50 parts per million.

(d) Narrowband channels.

(1) The following table indicates narrowband frequencies. The channel bandwidth is 5 kHz and the authorized bandwidth is 4 kHz.

Channel No.	Center frequency (MHz)
61	216.0025
62	216.0075
63	216.0125
64	216.0175
65	216.0225
66	216.0275
67	216.0325
68	216.0375
69	216.0425
70	216.0475
71	216.0525
72	216.0575
73	216.0625
74	216.0675
75	216.0725
76	216.0775
77	216.0825
78	216.0875
79	216.0925
80	216.0975
81	216.1025
82	216.1075
83	216.1125
84	216.1175
85	216.1225
86	216.1275
87	216.1325
88	216.1375
89	216.1425
90	216.1475
91	216.1525
92	216.1575
93	216.1625
94	216.1675
95	216.1725
96	216.1775
97	216.1825
98	216.1875
99	216.1925
100	216.1975
101	216.2025
102	216.2075
103	216.2125
104	216.2175
105	216.2225
106	216.2275
107	216.2325
108	216.2375
109	216.2425
110	216.2475
111	216.2525
112	216.2575
113	216.2625
114	216.2675
115	216.2725
116	216.2775
117	216.2825
118	216.2875
119	216.2925
120	216.2975
121	216.3025
122	216.3075
123	216.3125
124	216.3175

Channel No.	Center frequency (MHz)	Channel No.	Center frequency (MHz)
125	216.3225	197	216.6825
126	216.3275	198	216.6875
127	216.3325	199	216.6925
128	216.3375	200	216.6975
129	216.3425	201	216.7025
130	216.3475	202	216.7075
131	216.3525	203	216.7125
132	216.3575	204	216.7175
133	216.3625	205	216.7225
134	216.3675	206	216.7275
135	216.3725	207	216.7325
136	216.3775	208	216.7375
137	216.3825	209	216.7425
138	216.3875	210	216.7475
139	216.3925	211	216.7525
140	216.3975	212	216.7575
141	216.4025	213	216.7625
142	216.4075	214	216.7675
143	216.4125	215	216.7725
144	216.4175	216	216.7775
145	216.4225	217	216.7825
146	216.4275	218	216.7875
147	216.4325	219	216.7925
148	216.4375	220	216.7975
149	216.4425	221	216.8025
150	216.4475	222	216.8075
151	216.4525	223	216.8125
152	216.4575	224	216.8175
153	216.4625	225	216.8225
154	216.4675	226	216.8275
155	216.4725	227	216.8325
156	216.4775	228	216.8375
157	216.4825	229	216.8425
158	216.4875	230	216.8475
159	216.4925	231	216.8525
160	216.4975	232	216.8575
161	216.5025	233	216.8625
162	216.5075	234	216.8675
163	216.5125	235	216.8725
164	216.5175	236	216.8775
165	216.5225	237	216.8825
166	216.5275	238	216.8875
167	216.5325	239	216.8925
168	216.5375	240	216.8975
169	216.5425	241	216.9025
170	216.5475	242	216.9075
171	216.5525	243	216.9125
172	216.5575	244	216.9175
173	216.5625	245	216.9225
174	216.5675	246	216.9275
175	216.5725	247	216.9325
176	216.5775	248	216.9375
177	216.5825	249	216.9425
178	216.5875	250	216.9475
179	216.5925	251	216.9525
180	216.5975	252	216.9575
181	216.6025	253	216.9625
182	216.6075	254	216.9675
183	216.6125	255	216.9725
184	216.6175	256	216.9775
185	216.6225	257	216.9825
186	216.6275	258	216.9875
187	216.6325	259	216.9925
188	216.6375	260	216.9975
189	216.6425		
190	216.6475		
191	216.6525		
192	216.6575		
193	216.6625		
194	216.6675		
195	216.6725		
196	216.6775		

§ 95.631 Emission types.

* * * * *

(g) An LPRS station may transmit any emission type appropriate for communications in this service. Two-way voice communications, however, are prohibited.

8. Section 95.633 is amended by adding paragraph (d) to read as follows:

§ 95.633 Emission bandwidth.

* * * * *

(d) For transmitters in the LPRS:
 (1) The authorized bandwidth for narrowband frequencies is 4 kHz and the channel bandwidth is 5 kHz
 (2) The channel bandwidth for standard band frequencies is 25 kHz.
 (3) The channel bandwidth for extra band frequencies is 50 kHz.
 (4) AMTS stations may use the 216.750–217.000 MHz band as a single 250 kHz channel so long as the signal is attenuated as specified in § 95.635(c).

9. Section 95.635 is amended by adding paragraph (c) to read as follows:

§ 95.635 Unwanted radiation.

* * * * *

(c) For transmitters designed to operate in the LPRS, emissions shall be attenuated in accordance with the following:

(1) Emissions for LPRS transmitters operating on standard band channels (25 kHz) shall be attenuated below the unmodulated carrier in accordance with the following:

(i) Emissions 12.5 kHz to 22.5 kHz away from the channel center frequency: at least 30 dB; and

(ii) Emissions more than 22.5 kHz away from the channel center frequency: at least 43 + 10log(carrier power in watts) dB.

(2) Emissions for LPRS transmitters operating on extra band channels (50 kHz) shall be attenuated below the unmodulated carrier in accordance with the following:

(i) Emissions 25 kHz to 35 kHz from the channel center frequency: at least 30 dB; and

(ii) Emissions more than 35 kHz away from the channel center frequency: at least 43 + 10log(carrier power in watts) dB.

(3) Emissions for LPRS transmitters operating on narrowband channels (5 kHz) shall be attenuated below the power (P) of the highest emission, measured in peak values, contained within the authorized bandwidth (4 kHz) in accordance with the following:

(i) On any frequency within the authorized bandwidth: Zero dB;

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

(2) LPRS transmitters operating on narrowband channels must be maintained within a frequency stability of 1.5 parts per million.

7. Section 95.631 is amended by adding paragraph (g) to read as follows:

of more than 2 kHz up to and including 3.75 kHz: The lesser of $30 + 20(f_c - 2)$ dB, or $55 + 10 \log(P)$, or 65 dB; and

(iii) On any frequency beyond 3.75 kHz removed from the center of the authorized bandwidth: At least $55 + 10 \log(P)$ dB.

(4) Emissions from AMTS transmitters using a single 250 kHz channel shall be attenuated below the unmodulated carrier in accordance with the following:

(i) Emissions from 125 kHz to 135 kHz away from the channel center frequency; at least 30 dB; and

(ii) Emissions more than 135 kHz away from the channel center frequency; at least $43 + 10 \log(\text{carrier power in watts})$ dB.

10. Section 95.639 is amended by adding paragraph (e) to read as follows:

§ 95.639 Maximum transmitter power.

* * * * *

(e) The maximum transmitter output power authorized for LPRS stations is 100 mW.

11. Section 95.649 is revised to read as follows:

§ 95.649 Power capability.

No CB, R/C, LPRS transmitter, or FRS unit shall incorporate provisions for increasing its transmitter power to any level in excess of the limits specified in § 95.639.

12. Section 95.651 is revised to read as follows:

§ 95.651 Crystal control required.

All transmitters used in the Personal Radio Services must be crystal controlled, except an R/C station that transmits in the 26–27 MHz frequency band, a FRS unit, and a LPRS unit.

13. A new Subpart G is added to Part 95 to read as follows:

Subpart G—Low Power Radio Service (LPRS).

General Provisions

Sec.	
95.1001	Eligibility.
95.1003	Authorized locations.
95.1005	Station identification.
95.1007	Station inspection.
95.1009	Permissible communications.
95.1011	Channel use policy.
95.1013	Antennas.
95.1015	Disclosure policies.
95.1017	Labeling requirements.
95.1019	Marketing limitations.

Subpart G—Low Power Radio Service (LPRS).

General Provisions

§ 95.1001 Eligibility.

An entity is authorized by rule to operate a LPRS transmitter and is not

required to be individually licensed by the FCC if it is not a representative of a foreign government and if it uses the transmitter only in accordance with § 95.1009. Each entity operating a LPRS transmitter for AMTS purposes must hold an AMTS license under part 80 of this chapter.

§ 95.1003 Authorized locations.

LPRS operation is authorized:

(a) Anywhere CB station operation is permitted under § 95.405(a); and

(b) Aboard any vessel or aircraft of the United States, with the permission of the captain, while the vessel or aircraft is either travelling domestically or in international waters or airspace.

§ 95.1005 Station identification.

An LPRS station is not required to transmit a station identification announcement.

§ 95.1007 Station inspection.

All LPRS system apparatus must be made available for inspection upon request by an authorized FCC representative.

§ 95.1009 Permissible communications.

LPRS stations may transmit voice, data, or tracking signals as permitted in this section. Two-way voice communications are prohibited.

(a) Auditory assistance communications (including but not limited to applications such as assistive listening devices, audio description for the blind, and simultaneous language translation) for:

(1) Persons with disabilities. In the context of the LPRS, the term "disability" has the meaning given to it by section 3(2)(A) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)(A)), *i.e.*, persons with a physical or mental impairment that substantially limits one or more of the major life activities of such individuals;

(2) Persons who require language translation; or

(3) Persons who may otherwise benefit from auditory assistance communications in educational settings.

(b) Health care related communications for the ill.

(c) Law enforcement tracking signals (for homing or interrogation) including the tracking of persons or stolen goods under authority or agreement with a law enforcement agency (federal, state, or local) having jurisdiction in the area where the transmitters are placed.

(d) AMTS point-to-point network control communications.

§ 95.1011 Channel use policy.

(a) The channels authorized to LPRS systems by this part are available on a

shared basis only and will not be assigned for the exclusive use of any entity.

(b) Those using LPRS transmitters must cooperate in the selection and use of channels in order to reduce interference and make the most effective use of the authorized facilities. Channels must be selected in an effort to avoid interference to other LPRS transmissions.

(c) Operation is subject to the conditions that no harmful interference is caused to the United States Navy's SPASUR radar system (216.88–217.08 MHz) or to TV reception within the Grade B contour of any TV channel 13 station or within the 68 dBu predicted contour of any low power TV or TV translator station operating on channel 13.

§ 95.1013 Antennas.

(a) The maximum allowable ERP for a station in the LPRS is 100 mW.

(b) AMTS stations must employ directional antennas.

(c) Antennas used with LPRS units must comply with the following:

(1) For LPRS units operating entirely within an enclosed structure, *e.g.*, a building, there is no limit on antenna height;

(2) For LPRS units not operating entirely within an enclosed structure, the tip of the antenna shall not exceed 30.5 meters (100 feet) above ground. In cases where harmful interference occurs the FCC may require that the antenna height be reduced; and

(3) The height limitation in paragraph (c)(2) of this section does not apply to LPRS units in which the antenna is an integral part of the unit.

§ 95.1015 Disclosure policies.

(a) Manufacturers of LPRS transmitters used for auditory assistance, health care assistance, and law enforcement tracking purposes must include with each transmitting device the following statement: "This transmitter is authorized by rule under the Low Power Radio Service (47 C.F.R. Part 95) and must not cause harmful interference to TV reception or United States Navy SPASUR installations. You do not need an FCC license to operate this transmitter. This transmitter may only be used to provide: auditory assistance to persons with disabilities, persons who require language translation, or persons in educational settings; health care services to the ill; law enforcement tracking services under agreement with a law enforcement agency; or automated maritime telecommunications system (AMTS) network control communications. Two-

way voice communications and all other types of uses not mentioned above are expressly prohibited.”

(b) Prior to operating a LPRS transmitter for AMTS purposes, an AMTS licensee must notify, in writing, each television station that may be affected by such operations, as defined in § 80.215(h) of this chapter. The notification provided with the station's license application is sufficient to satisfy this requirement if no new television stations would be affected.

§ 95.1017 Labeling requirements.

(a) Each LPRS transmitting device shall bear the following statement in a conspicuous location on the device: “This device may not interfere with TV reception or federal government radar, and must accept any interference received, including interference that may cause undesired operation.”

(b) Where an LPRS device is constructed in two or more sections connected by wires and marketed together, the statement specified in this section is required to be affixed only to the main control unit.

(c) When the LPRS device is so small or for such use that it is not practicable to place the statement specified in the section on it, the statement must be placed in a prominent location in the instruction manual or pamphlet supplied to the user or, alternatively, shall be placed on the container in which the device is marketed.

§ 95.1019 Marketing limitations.

Transmitters intended for operation in the LPRS may be marketed and sold

only for those uses described in § 95.1109.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960129018-6018-01; I.D. 082796B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 1996 pollock total allowable catch (TAC) in this area.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), September 3, 1996, until 2400 hrs, December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the GOA (FMP) prepared by the North

Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1996 pollock TAC in Statistical Area 630 was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4304, February 5, 1996) as 13,680 metric tons (mt). (See § 679.20(c)(3).)

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 679.20(d)(1), that the 1996 pollock TAC in Statistical Area 630 has been reached. The Regional Director established a directed fishing allowance of 12,080 mt, and has set aside the remaining 1,600 mt as bycatch to support other anticipated groundfish fisheries. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e).

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 29, 1996.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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