

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-7486-1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion for the Industrial Latex Corp. Superfund Site from the National Priorities List.

SUMMARY: The U.S. Environmental Protection Agency (EPA) Region II Office announces the deletion of the Industrial Latex Corp. Superfund Site from the National Priorities List (NPL). The Industrial Latex site is located in the Borough of Wallington, Bergen County, New Jersey. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New Jersey, through the Department of Environmental Protection, have determined that all appropriate remedial actions have been completed at the Industrial Latex site and no further fund-financed remedial action is appropriate under CERCLA. In addition, EPA and the State of New Jersey have determined that the remedial actions taken at the Industrial Latex site protect public health and the environment without any further monitoring or restriction.

EFFECTIVE DATE: April 21, 2003.

FOR FURTHER INFORMATION CONTACT: Stephanie Vaughn, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, New York 10007-1866, (212) 637-3914.

SUPPLEMENTARY INFORMATION: To be deleted from the NPL is: the Industrial Latex Corp. Superfund Site, Borough of Wallington, Bergen County, New Jersey.

A Notice of Intent to Delete for the Industrial Latex Corp. Site was published in the **Federal Register** on December 9, 2002 (67 FR 72888). The closing date for comments on the Notice of Intent to Delete was March 1, 2003. EPA received no comments regarding this action. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. As described in

300.425(e)(3) of the NCP, any site or portion thereof deleted from the NPL remains eligible for remedial actions in the unlikely event that conditions at the site warrant such action in the future. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

William J. Muszynski,
Acting Regional Administrator—Region II.

■ For the reasons set out in the preamble, part 300, chapter I of title 40 of the Code of Federal Regulations, 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(c)(2); E.O. 12777, 56 FR 54757, 3 CFR., 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

■ 2. Table 1 of Appendix B to part 300 is amended by removing the “Industrial Latex Corp., Wallington Borough, New Jersey.”

[FR Doc. 03-9745 Filed 4-18-03; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 01-146; RM-9966; FCC 03-35]

Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450-470 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC) divides low power channels in the 450-470 MHz band into five groups. Each group of frequencies is intended for a different market. Collectively, they address the diversity of low power operations in the 450-470 MHz band. The FCC believes that the plan adopted will accommodate a broad range of potential low power users while maximizing efficient and flexible use of the band.

DATES: Effective May 21, 2003.

FOR FURTHER INFORMATION CONTACT: Brian Marengo, Electronics Engineer, bmarengo@fcc.gov, or Genevieve Augustin, Esquire, gaugusti@fcc.gov, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418-0680.

SUPPLEMENTARY INFORMATION: This is a summary of the FCC's Report and Order, FCC 03-35, adopted on February 14, 2003, and released on March 11, 2003. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the FCC's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365 or at bmillin@fcc.gov.

1. In this Report and Order, the FCC:
 - Designates forty-nine 12.5 kHz 450-470 MHz Industrial/Business channel pairs and one unpaired frequency for low power coordinated use. Thirty-nine of the channel pairs and the unpaired frequency will be available for full power at least 50 miles outside of the top 100 urban areas. These channels will be referred to as “Group A.”
 - Raises power limits for base/fixed operations on the Group A channels to 20 watts effective radiated power.
 - Designates ten 12.5 kHz 450-470 MHz channel pairs for low power non-voice coordinated use nationwide, with voice operations allowed on a secondary basis. These channels will be referred to as “Group B.”
 - Designates twenty-one 12.5 kHz 450-470 MHz channel pairs and four unpaired frequencies for low power non-coordinated use nationwide. These channels will be referred to as “Group C.” Although the majority of these channels are immediately available, ten Group C frequencies will become available only after completion of the medical telemetry migration deadline.
 - Converts power limits for mobile operations on the Group A, B and C frequencies to 6 watts effective radiated power.
 - Designates five 12.5 kHz 450-470 MHz channel pairs for low power

coordinated use, reserved for central station alarm operations, as under current rules. These channels will be referred to as "Group D."

- Designates fourteen 12.5 kHz channels pairs for low power use in the Public Safety Pool. These channels will be referred to as the "Public Safety Group."

- "Grandfathers" high power operations currently licensed on the low power channels.

2. The FCC believes that the plan it adopts will accommodate a broad range of potential low power users while maximizing efficient and flexible use of the band.

Procedural Matters

A. Regulatory Flexibility Act Analyses

3. As required by Section 604 of the Regulatory Flexibility Act, 5 U.S.C. 604, the FCC has prepared a Final Regulatory Flexibility Analysis (FRFA) of the expected impact on small entities of the rule changes implemented in this document. The FRFA is set forth further.

B. Paperwork Reduction Act of 1995 Analysis

4. The actions taken in the Report and Order have been analyzed with respect to the Paperwork Reduction Act of 1995, Public Law Number 104-13, and found to impose no new or modified recordkeeping requirements or burdens on the public.

Final Regulatory Flexibility Analysis

5. As required by the Regulatory Flexibility Act (RFA) of 1980, as amended, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the NPRM. The FCC sought written public comment on the proposals in the Notice of Proposed Rule Making (NPRM), including comment on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

A. Need for, and Objectives of the Final Rules

6. The rule changes implemented by this decision are needed in order to facilitate the viability of important low power operations in the 450-470 MHz band. Previously, low power operators were licensed on channels that were 12.5 kHz removed from regularly assignable channels in this band ("12.5 kHz offset channels"). These offset channels, however, were reclassified by the FCC for high power operation. Because of the continuing need for low power channels, the FCC believes that the rule changes contained in its decision are in the public interest.

7. The FCC's objective, the implementation of a low power plan that would suit the needs of low power users, was realized in the following manner. The FCC tasked the private land mobile radio (PLMR) frequency coordinators with developing a plan for low power operations, through industry consensus, on what was formerly known as the 450-470 MHz low power offset channels. On June 4, 1997, the Land Mobile Communications Council (LMCC) filed the requested plan (Consensus Plan).

Because the LMCC's Consensus Plan required changes to the FCC's Rules, on September 11, 2000, the LMCC filed with the FCC a Petition for Rule Making seeking the appropriate amendments. On July 24, 2001, the FCC released a Notice of Proposed Rule Making, proposing amendments to Part 90 of its rules in order to effectuate the changes suggested in the Consensus Plan. The resulting Report and Order implements many of the proposed changes. Among the major rules adopted are: designation of forty-nine 12.5 kHz 450-470 MHz Industrial/Business channel pairs and one unpaired frequency for low power coordinated use, of which 39 channel pairs and one unpaired frequency will be available for full power at least 50 miles outside of the top 100 urban areas; raising of power limits for base/fixed operations on the Group A channels to 20 watts effective radiated power; designation of ten 12.5 kHz 450-470 MHz channel pairs for low power non-voice coordinated use nationwide, with voice operations allowed on a secondary basis; designation of twenty-five 12.5 kHz 450-470 MHz channel pairs for low power non-coordinated use nationwide; conversion of power limits for mobile operations on frequencies in the Public Safety Group and Industrial/Business Groups A, B and C, to 6 watts effective radiated power; designation of five 12.5 kHz 450-470 MHz channel pairs for low power, coordinated use (primarily central station alarm); designation of fourteen 12.5 kHz channels pairs for low power use in the Public Safety Pool; and the grandfathering of high power operations currently licensed on the low power channels.

B. Legal Basis

8. Authority for the amendments included in the Report and Order is contained in Sections 4(i), 303(f), 303(r), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 4(i), 303(f), 303(r), and 332.

C. Description and Estimate of the Number of Small Entities to Which the Final Rules Will Apply

9. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as "small business concern" under the Small Business Act. A "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

10. *Governmental Entities.* "Small governmental jurisdiction" generally means "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000." As of 1992, there were approximately 85,006 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or ninety-six percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, the FCC estimates that 81,600 (ninety-one percent) are small entities. Below, the FCC further describes and estimates the number of small entity licensees and regulatees that may be affected by the rule changes adopted herein.

11. *Public Safety Radio Services.* As a general matter, Public Safety Radio Pool licensees include police, fire, local government, forestry conservation, highway maintenance, and emergency medical services. The SBA rules contain a definition for small radiotelephone (wireless) companies, which encompasses business entities engaged in radiotelephone communications employing no more than 1,500 persons. There are a total of approximately 127,540 licensees within these services. With respect to local governments, in particular, since many governmental entities as well as private businesses comprise the licensees for these services, the FCC includes under public safety services the number of government entities afflicted.

12. *PLMR Licensees.* Private land mobile radio systems serve an essential role in a vast range of industrial, business, land transportation, and public safety activities. These radios are

used by companies of all sizes operating in all U.S. business categories. Because of the vast array of PLMR users, the FCC has not developed a definition of small entities specifically applicable to PLMR users, nor has the SBA developed any such definition. The SBA rules do, however, contain a definition for small radiotelephone (wireless) companies. Included in this definition are business entities engaged in radiotelephone communications employing no more than 1,500 persons. According to the Bureau of the Census, only twelve radiotelephone firms of a total of 1,178 such firms which operated during 1992 had 1,500 or more employees. For the purpose of determining whether a licensee is a small business as defined by the SBA, each licensee would need to be evaluated within its own business area. The FCC's fiscal year 1994 annual report indicates that, at the end of fiscal year 1994, there were 1,101,711 licensees operating 12,882,623 transmitters in the PLMR bands below 512 MHz.

13. *Wireless Communications Equipment Manufacturers.* The FCC anticipates that manufacturers of wireless radio equipment will be affected by our decisions in this proceeding. According to the SBA's regulations, radio and television broadcasting and communications equipment manufacturers must have 750 or fewer employees in order to qualify as a small business concern. Census Bureau data indicate that there are 858 U.S. firms that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would therefore be classified as small entities.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

14. No new reporting, recordkeeping, or other compliance requirements would be imposed on applicants or licensees as a result of the rules adopted in this proceeding.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

15. The RFA requires an agency to describe any significant alternatives that it has considered in developing its approach, which may include the following four alternatives (among others): "(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of

compliance and reporting requirements under the rule for such small entities; (3) the use of performance, rather than design standards; and (4) an exemption from coverage of the rule or any part thereof, for such small entities.

16. Regarding FCC rule changes increasing the power limits and antenna height for low power users operating on the 49 channel pairs and one unpaired frequency in Group A, although increasing the power and antenna height limits for low power users on these channels could decrease the number of operators possible in a given area, the FCC believes that the need, as demonstrated in the Low Power Plan, for higher power and greater antenna height on these channels, outweighs the potential for reduction of the number of licensees. An alternative to this amendment would have been to maintain the current power restriction of 2 watts output power and 7 meters antenna height, or impose power limitations less than 20 watts for base stations and 5 watts for mobile/portable stations and less than 23 meters antenna height above ground level. These alternatives, however, would not address the need, especially in hostile radio environments, for more than 2 watts output power and/or antenna heights of more than 7 meters. Moreover, since many operators in hostile radio environments are smaller entities, the rules adopted in the Report and Order are especially beneficial to those entities.

17. In addition, regarding the FCC's rule changes which designate 25 channels for low power, itinerant use in Group C, incumbent licensees, some of which may be small entities, could face interference from itinerant users that will not be required to coordinate their operations through a certified frequency coordinator. Despite the possibility of potential interference, the need for itinerant operations in the PLMR services is substantiated enough to justify the risk of some increase in interference. In this connection, the FCC notes that small businesses that require itinerant operations, whether new entrants or incumbents, will be eligible for these channels and may benefit from our proposal.

18. Regarding the FCC's rule change allowing 5 watts ERP for the fourteen channels in the Public Safety Pool, there will be no significant adverse impact on small entities. An alternative to this change would have been to maintain the current limitation of 2 watts output power or to have imposed a power limitation of less than 5 watts ERP. Neither of these alternatives, however, would be sufficient to promote

flexibility for Public Safety Pool licensees that require more than 2 watts output power for their operations.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Final Rules

19. None.

20. *Report to Congress:* The FCC will send a copy of this Report and Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. In addition, the FCC will send a copy of this Report and Order, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of this Report and Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.

Ordering Clauses

21. Pursuant to Sections 4(i), 303(f), 303(r), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(f), 303(r) and 332, this Report and Order is adopted.

22. Part 90 of the FCC's Rules is amended as specified in rule changes, effective May 21, 2003.

23. The FCC's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 90

FCC equipment, Radio, Reporting and Recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

Rule Changes

■ For the reasons discussed in the preamble the FCC amends 47 CFR part 90 as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

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

Authority: Sections 4(i), 11, 303(g), 303(r) and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

■ 2. Section 90.20 is amended by adding limitations to the following frequencies to the table in paragraph (c)(3) and adding a new paragraph (d)(84) to read as follows:

§ 90.20 Public Safety Pool.

*	*	*	*	*
(c)	*	*	*	
(3)	*	*	*	

PUBLIC SAFETY POOL FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations	Coordinator
* * 453.03125	* * Base or mobile	* * 44, 59, 60, 61, 62, 84	* PM.
453.0375 .....	.....do	27, 59, 60, 61, 62, 84	PX.
453.04375 .....	.....do	44, 59, 60, 61, 62, 84	PM.
* * 453.05625	* *do	* * 44, 84	* PX.
453.0625 .....	.....do	27, 84	PX.
453.06875 .....	.....do	44, 84	PX.
* * 453.08125	* * Base or mobile	* * 44, 59, 60, 61, 62, 84	* PM.
453.0875 .....	.....do	27, 59, 60, 61, 62, 84	PX.
453.09375 .....	.....do	44, 59, 60, 61, 62, 84	PM.
* * 453.10625	* *do	* * 44, 84	* PX.
453.1125 .....	.....do	27, 84	PX.
453.11875 .....	.....do	44, 84	PX.
* * 453.13125	* * Base or mobile	* * 44, 59, 60, 61, 62, 84	* PM.
453.1375 .....	.....do	27, 59, 60, 61, 62, 84	PX.
453.14375 .....	.....do	44, 59, 60, 61, 62, 84	PM.
* * 453.88125	* *do	* * 44, 84	* PX.
453.8875 .....	.....do	27, 84	PX.
453.89375 .....	.....do	44, 84	PX.
* * 453.90625	* *do	* * 44, 84	* PX.
453.9125 .....	.....do	27, 84	PX.
453.91875 .....	.....do	44, 84	PX.
* * 453.93125	* *do	* * 44, 84	* PX.
453.9375 .....	.....do	27, 84	PX.
453.94375 .....	.....do	44, 84	PX.
* * 453.95625	* *do	* * 44, 84	* PX.
453.9625 .....	.....do	27, 84	PX.
453.96875 .....	.....do	44, 84	PX.
* * 453.98125	* *do	* * 44, 84	* PX.
453.9875 .....	.....do	27, 84	PX.
453.99375 .....	.....do	44, 84	PX.
* * 458.03125	* * Mobile	* * 44, 59, 61, 62, 84	* PM.
458.0375 .....	.....do	27, 59, 61, 62, 84	PX.
458.04375 .....	.....do	44, 59, 61, 62, 84	PM.
* * 458.05625	* *do	* * 44, 84	* PX.
458.0625 .....	.....do	27, 84	PX.
458.06875 .....	.....do	44, 84	PX.
* * 458.08125	* * Mobile	* * 44, 59, 61, 62, 84	* PM.
458.0875 .....	.....do	27, 59, 61, 62, 84	PX.
458.09375 .....	.....do	44, 59, 61, 62, 84	PM.
* * 458.10625	* *do	* * 44, 84	* PX.
458.1125 .....	.....do	27, 84	PX.
458.11875 .....	.....do	44, 84	PX.
* * 458.13125	* * Mobile	* * 44, 59, 61, 62, 84	* PM.

PUBLIC SAFETY POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
458.1375 .....	.....do	27, 59, 61, 62, 84	PX.
458.14375 .....	.....do	44, 59, 61, 62, 84	PM.
*	*	*	*
458.88125 .....	.....do	44, 84	PX.
458.8875 .....	.....do	27, 84	PX.
458.89375 .....	.....do	44, 84	PX.
*	*	*	*
458.90625 .....	.....do	44, 84	PX.
458.9125 .....	.....do	27, 84	PX.
458.91875 .....	.....do	44, 84	PX.
*	*	*	*
458.93125 .....	.....do	44, 84	PX.
458.9375 .....	.....do	27, 84	PX.
458.94375 .....	.....do	44, 84	PX.
*	*	*	*
458.95625 .....	.....do	44, 84	PX.
458.9625 .....	.....do	27, 84	PX.
458.96875 .....	.....do	44, 84	PX.
*	*	*	*
458.98125 .....	.....do	44, 84	PX.
458.9875 .....	.....do	27, 84	PX.
458.99375 .....	.....do	44, 84	PX.
*	*	*	*
460.48125 .....	.....do	44, 84	PP.
460.4875 .....	.....do	27, 84	PP.
460.49375 .....	.....do	44, 84	PP.
*	*	*	*
460.50625 .....	.....do	44, 84	PP.
460.5125 .....	.....do	27, 84	PP.
460.51875 .....	.....do	44, 84	PP.
*	*	*	*
460.53125 .....	.....do	44, 84	PP, PF, PM.
460.5375 .....	.....do	27, 84	OO, PF, PM.
460.54375 .....	.....do	44, 84	PP, PF, PM.
*	*	*	*
460.55625 .....	.....do	44, 84	PP, PF, PM.
460.5625 .....	.....do	27, 84	PP, PF, PM.
460.56875 .....	.....do	44, 84	PP, PF, PM.
*	*	*	*
465.48125 .....	.....do	44, 84	PP.
465.4875 .....	.....do	27, 84	PP.
465.49375 .....	.....do	44, 84	PP.
*	*	*	*
465.50625 .....	.....do	44, 84	PP.
465.5125 .....	.....do	27, 84	PP.
465.51875 .....	.....do	44, 84	PP.
*	*	*	*
465.53125 .....	.....do	44, 84	PP, PF, PM.
465.5375 .....	.....do	27, 84	PP, PF, PM.
465.54375 .....	.....do	44, 84	PP, PF, PM.
*	*	*	*
465.55625 .....	.....do	44, 84	PP, PF, PM.
465.5625 .....	.....do	27, 84	PP, PF, PM.
465.56875 .....	.....do	44, 84	PP, PF, PM.
*	*	*	*

(d) * * *
 (84) Operation on this frequency is subject to the low power provisions of § 90.267. This frequency is assigned to the Public Safety Group in the low power pool.
 * * * * *

■ 3. Section 90.35 is amended by adding limitations to the following frequencies to the table in paragraph (b)(3), revising paragraph (c)(67) and adding new paragraphs (c)(83), (c)(84), (c)(85), (c)(86) and (c)(87) to read as follows:

§ 90.35 Industrial/Business Pool.
 * * * * *
 (b) * * *
 (3) * * *

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations	Coordinator
* * * * *	* * * * *	* * * * *	* * * * *
451.18125 .....	.....do	33, 84.	
451.1875 .....	.....do	83, 84.	
451.19375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
451.23125 .....	.....do	33, 84.	
451.2375 .....	.....do	83, 84.	
451.24375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
451.28125 .....	.....do	33, 84.	
451.2875 .....	.....do	83, 84.	
451.29375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
451.30625 .....	.....do	33, 84.	
451.3125 .....	.....do	83, 84.	
451.31875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
451.33125 .....	.....do	33, 84.	
451.3375 .....	.....do	83, 84.	
451.34375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
451.35625 .....	.....do	33, 84.	
451.3625 .....	.....do	83, 84.	
451.36875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
451.38125 .....	.....do	33, 84.	
451.3875 .....	.....do	83, 84.	
451.39375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
451.40625 .....	.....do	33, 84.	
451.4125 .....	.....do	83, 84.	
451.41875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
451.43125 .....	.....do	33, 84.	
451.4375 .....	.....do	83, 84.	
451.44375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
451.45625 .....	.....do	33, 84.	
451.4625 .....	.....do	83, 84.	
451.46875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
451.48125 .....	.....do	33, 84.	
451.4875 .....	.....do	83, 84.	
451.49375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
451.50625 .....	.....do	33, 84.	
451.5125 .....	.....do	83, 84.	
451.51875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
451.53125 .....	.....do	33, 84.	

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
451.5375 .....	.....do	83, 84.	
451.54375 .....	.....do	33, 84.	
*	*	*	*
451.55625 .....	.....do	4, 7, 33, 84.	
451.5625 .....	.....do	4, 7, 83, 84.	
451.56875 .....	.....do	4, 7, 33, 84.	
*	*	*	*
451.58125 .....	.....do	33, 84.	
451.5875 .....	.....do	63, 84.	
451.59375 .....	.....do	33, 84.	
*	*	*	*
451.60625 .....	.....do	4, 7, 33, 84.	
451.6125 .....	.....do	4, 7, 83, 84.	
451.61875 .....	.....do	4, 7, 33, 84.	
*	*	*	*
451.63125 .....	.....do	33, 84.	
451.6375 .....	.....do	83, 84.	
451.64375 .....	.....do	33, 84.	
*	*	*	*
451.65625 .....	.....do	4, 7, 33, 84.	
451.6625 .....	.....do	4, 7, 83, 84.	
451.66875 .....	.....do	4, 7, 33, 84.	
*	*	*	*
451.68125 .....	.....do	33, 84.	
451.6875 .....	.....do	83, 84.	
451.69375 .....	.....do	33, 84.	
*	*	*	*
451.70625 .....	.....do	4, 7, 33, 84.	
451.7125 .....	.....do	4, 7, 83, 84.	
451.71875 .....	.....do	4, 7, 33, 84.	
*	*	*	*
451.73125 .....	.....do	33, 84.	
451.7375 .....	.....do	83, 84.	
451.74375 .....	.....do	33, 84.	
*	*	*	*
451.75625 .....	.....do	4, 7, 33, 84.	
451.7625 .....	.....do	4, 7, 83, 84.	
451.76875 .....	.....do	4, 7, 33, 84.	
*	*	*	*
452.03125 .....	.....do	33, 84.	
452.0375 .....	.....do	83, 84.	
452.04375 .....	.....do	33, 84.	
*	*	*	*
452.05625 .....	.....do	33, 84.	
452.0625 .....	.....do	83, 84.	
452.06875 .....	.....do	33, 84.	
*	*	*	*
452.08125 .....	.....do	33, 84.	
452.0875 .....	.....do	83, 84.	
452.09375 .....	.....do	33, 84.	
*	*	*	*
452.10625 .....	.....do	33, 84.	
452.1125 .....	.....do	83, 84.	
452.11875 .....	.....do	33, 84.	
*	*	*	*
452.13125 .....	.....do	33, 84.	
452.1375 .....	.....do	83, 84.	
452.14375 .....	.....do	33, 84.	

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
* * * * *	* * * * *	* * * * *	* * * * *
452.15625 .....	.....do	33, 84.	
452.1625 .....	.....do	83, 84.	
452.16875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.18125 .....	.....do	33, 84.	
452.1875 .....	.....do	83, 84.	
452.19375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.28125 .....	.....do	33, 84.	
452.2875 .....	.....do	83, 84.	
452.29375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.30625 .....	.....do	33, 84.	
452.3125 .....	.....do	83, 84.	
452.31875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.40625 .....	.....do	33, 84.	
452.4125 .....	.....do	83, 84.	
452.41875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.48125 .....	.....do	33, 84.	
452.4875 .....	.....do	83, 84.	
452.49375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.50625 .....	.....do	33, 84.	
452.5125 .....	.....do	83, 84.	
452.51875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.53125 .....	.....do	33, 84	LA
452.5375 .....	.....do	83, 84	LA
452.54375 .....	.....do	33, 84	LA
* * * * *	* * * * *	* * * * *	* * * * *
452.63125 .....	.....do	33, 84.	
452.6375 .....	.....do	83, 84.	
452.64375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.65625 .....	.....do	33, 84.	
452.6625 .....	.....do	83, 84.	
452.66875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.68125 .....	.....do	33, 84.	
452.6875 .....	.....do	83, 84.	
452.69375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.70625 .....	.....do	33, 84.	
452.7125 .....	.....do	83, 84.	
452.71875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.75625 .....	.....do	33, 84.	
452.7625 .....	.....do	83, 84.	
452.76875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.78125 .....	.....do	33, 84.	
452.7875 .....	.....do	83, 84.	
452.79375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
452.80625 .....	.....do	33, 84.	

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
452.8125 .....	.....do	83, 84.	
452.81875 .....	.....do	33, 84.	
*	*	*	*
452.83125 .....	.....do	33, 84.	
452.8375 .....	.....do	83, 84.	
452.84375 .....	.....do	33, 84.	
*	*	*	*
452.85625 .....	.....do	33, 84.	
452.8625 .....	.....do	83, 84.	
452.86875 .....	.....do	33, 84.	
*	*	*	*
452.88125 .....	.....do	33, 84.	
452.8875 .....	.....do	83, 84.	
452.89375 .....	.....do	33, 84.	
*	*	*	*
452.98125 .....	.....do	33, 84.	
452.9875 .....	.....do	83, 84.	
452.99375 .....	.....do	33, 84.	
*	*	*	*
456.18125 .....	.....do	33, 84.	
456.1875 .....	.....do	83, 84.	
456.19375 .....	.....do	33, 84.	
*	*	*	*
456.23125 .....	.....do	33, 84.	
456.2375 .....	.....do	83, 84.	
456.24375 .....	.....do	33, 84.	
*	*	*	*
456.281125 .....	.....do	33, 84.	
456.2875 .....	.....do	83, 84.	
456.29375 .....	.....do	33, 84.	
*	*	*	*
456.30625 .....	.....do	33, 84.	
456.3125 .....	.....do	83, 84.	
456.31875 .....	.....do	33, 84.	
*	*	*	*
456.33125 .....	.....do	33, 84.	
456.3375 .....	.....do	83, 84.	
456.34375 .....	.....do	33, 84.	
*	*	*	*
456.35625 .....	.....do	33, 84.	
456.3625 .....	.....do	83, 84.	
456.36875 .....	.....do	33, 84.	
*	*	*	*
456.38125 .....	.....do	33, 84.	
456.3875 .....	.....do	83, 84.	
456.39375 .....	.....do	33, 84.	
*	*	*	*
456.40625 .....	.....do	33, 84.	
456.4125 .....	.....do	83, 84.	
456.41875 .....	.....do	33, 84.	
*	*	*	*
456.43125 .....	.....do	33, 84.	
456.4375 .....	.....do	83, 84.	
456.44375 .....	.....do	33, 84.	
*	*	*	*
456.45625 .....	.....do	33, 84.	
456.4625 .....	.....do	83, 84.	
456.46875 .....	.....do	33, 84.	

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
* * * * *	* * * * *	*	*
456.48125 .....	.....do	33, 84.	
456.4875 .....	.....do	83, 84.	
456.49375 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
456.50625 .....	.....do	33, 84.	
456.5125 .....	.....do	83, 84.	
456.51875 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
456.53125 .....	.....do	33, 84.	
456.5375 .....	.....do	83, 84.	
456.54375 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
456.55625 .....	.....do	33, 84.	
456.5625 .....	.....do	83, 84.	
456.56875 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
456.58125 .....	.....do	33, 84.	
456.5875 .....	.....do	83, 84.	
456.59375 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
456.60625 .....	.....do	33, 84.	
456.6125 .....	.....do	83, 84.	
456.61875 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
456.63125 .....	.....do	33, 84.	
456.6375 .....	.....do	83, 84.	
456.64375 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
456.65625 .....	.....do	33, 84.	
456.6625 .....	.....do	83, 84.	
456.66875 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
456.68125 .....	.....do	33, 84.	
456.6875 .....	.....do	83, 84.	
456.69375 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
456.70625 .....	.....do	33, 84.	
456.7125 .....	.....do	83, 84.	
456.71875 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
456.73125 .....	.....do	33, 84.	
456.7375 .....	.....do	83, 84.	
456.74375 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
456.75625 .....	.....do	33, 84.	
456.7625 .....	.....do	83, 84.	
456.76875 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
457.03125 .....	.....do	33, 84.	
457.0375 .....	.....do	83, 84.	
457.04375 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
457.05625 .....	.....do	33, 84.	
457.0625 .....	.....do	83, 84.	
457.06875 .....	.....do	33, 84.	
* * * * *	* * * * *	*	*
457.08125 .....	.....do	33, 84.	

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
457.0875 .....	.....do	83, 84.	
457.09375 .....	.....do	33, 84.	
* * * * *			*
457.10625 .....	.....do	33, 84.	
457.1125 .....	.....do	83, 84.	
457.11875 .....	.....do	33, 84.	
* * * * *			*
457.13125 .....	.....do	33, 84.	
457.1375 .....	.....do	38, 84.	
457.14375 .....	.....do	33, 84.	
* * * * *			*
457.15625 .....	.....do	33, 84.	
457.1625 .....	.....do	83, 84.	
457.16875 .....	.....do	33,84.	
* * * * *			*
457.18125 .....	.....do	33,84.	
457.1875 .....	.....do	83,84.	
457.19375 .....	.....do	33,84.	
* * * * *			*
457.28125 .....	.....do	33,84.	
457.2875 .....	.....do	33,84.	
457.29375 .....	.....do	33,84.	
* * * * *			*
457.30625 .....	.....do	33,84.	
457.3125 .....	.....do	83,84.	
457.31875 .....	.....do	33,84.	
* * * * *			*
457.40625 .....	.....do	33,84.	
457.4125 .....	.....do	83,84.	
457.41875 .....	.....do	33,84.	
* * * * *			*
457.48125 .....	.....do	33,84.	
457.4875 .....	.....do	83,84.	
457.49375 .....	.....do	33,84.	
* * * * *			*
457.50625 .....	.....do	33,84.	
457.5125 .....	.....do	83,84.	
457.51875 .....	.....do	33,84.	
* * * * *			*
457.63125 .....	.....do	33,84.	
457.6375 .....	.....do	83,84.	
457.64375 .....	.....do	33,84.	
* * * * *			*
457.65625 .....	.....do	33,84.	
457.6625 .....	.....do	83,84.	
457.66875 .....	.....do	33,84.	
* * * * *			*
457.68125 .....	.....do	33,84.	
457.6875 .....	.....do	83,84.	
457.69375 .....	.....do	33,84.	
* * * * *			*
457.70625 .....	.....do	33,84.	
457.7125 .....	.....do	83,84.	
457.71875 .....	.....do	33,84.	
* * * * *			*
457.78125 .....	.....do	33,84.	
457.7875 .....	.....do	83,84.	
457.79375 .....	.....do	33,84.	

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
* * * * *	* * * * *	* * * * *	* * * * *
457.80625 .....	.....do	33,84.	
457.8125 .....	.....do	83,84.	
457.81875 .....	.....do	33,84.	
* * * * *	* * * * *	* * * * *	* * * * *
457.83125 .....	.....do	33,84.	
457.8375 .....	.....do	83,84.	
457.84375 .....	.....do	33,84.	
* * * * *	* * * * *	* * * * *	* * * * *
457.85625 .....	.....do	33,84.	
457.8625 .....	.....do	83,84.	
457.86875 .....	.....do	33,84.	
* * * * *	* * * * *	* * * * *	* * * * *
457.88125 .....	.....do	33,84.	
457.8875 .....	.....do	83,84.	
457.89375 .....	.....do	33,84.	
* * * * *	* * * * *	* * * * *	* * * * *
457.98125 .....	.....do	33,84.	
457.9875 .....	.....do	83,84.	
457.99375 .....	.....do	33,84.	
* * * * *	* * * * *	* * * * *	* * * * *
460.90625 .....	.....do	33, 63, 65, 87.	
460.9125 .....	.....do	63, 65, 83, 87.	
460.91875 .....	.....do	33, 63, 65, 87.	
* * * * *	* * * * *	* * * * *	* * * * *
460.93125 .....	.....do	33, 63, 65, 87.	
460.9375 .....	.....do	63, 65, 83, 87.	
460.94375 .....	.....do	33, 63, 65, 87.	
* * * * *	* * * * *	* * * * *	* * * * *
460.95625 .....	.....do	33, 63, 65, 87.	
460.9625 .....	.....do	63, 65, 83, 87.	
460.96875 .....	.....do	33, 63, 65, 87.	
460.98125 .....	.....do	33, 65, 66, 87.	
460.9875 .....	.....do	65, 66, 83, 87.	
460.99375 .....	.....do	33, 65, 66, 87.	
* * * * *	* * * * *	* * * * *	* * * * *
461.00625 .....	.....do	33, 65, 66, 87.	
461.0125 .....	.....do	65, 66, 83, 87.	
461.01875 .....	.....do	33, 65, 66, 87.	
* * * * *	* * * * *	* * * * *	* * * * *
461.03125	Mobile	33, 86.	
461.0375 .....	.....do	83, 86.	
461.04375 .....	.....do	33, 86.	
461.050	Base or mobile	62.	
461.05625	Mobile	33, 86.	
461.0625 .....	.....do	83, 86.	
461.06875 .....	.....do	33, 86.	
461.075	Base or mobile	62.	
461.08125	Mobile	33, 86.	
461.0875 .....	.....do	83, 86.	
461.09375 .....	.....do	33, 86.	
461.100	Base or mobile	62.	
461.10625	Mobile	33, 86.	
461.1125 .....	.....do	83, 86.	
461.11875 .....	.....do	33, 86.	
461.125	Base or mobile	62.	
461.13125	Mobile	33, 86.	
461.1375 .....	.....do	83, 86.	
461.14375 .....	.....do	33, 86.	
461.150	Base or mobile	62.	
461.15625	Mobile	33, 86.	
461.1625 .....	.....do	83, 86.	

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
461.16875 .....	.....do	33, 86.	
461.175	Base or mobile	62.	
461.18125	Mobile	33, 86.	
461.1875 .....	.....do	83, 86.	
461.19375 .....	.....do	33, 86.	
461.200	Base or mobile	62.	
461.20625	Mobile	33, 86.	
461.2125 .....	.....do	83, 86.	
461.21875 .....	.....do	33, 86.	
461.225	Base or mobile	62.	
461.23125	Mobile	33, 86.	
461.2375 .....	.....do	83, 86.	
461.24375 .....	.....do	33, 86.	
461.250	Base or mobile	62.	
461.25625	Mobile	33, 86.	
461.2625 .....	.....do	83, 86.	
461.26875 .....	.....do	33, 86.	
461.275	Base or mobile	62.	
461.28125	Mobile	33, 86.	
461.2875 .....	.....do	83, 86.	
461.29375 .....	.....do	33, 86.	
461.300	Base or mobile	62.	
461.30625	Mobile	33, 86.	
461.3125 .....	.....do	83, 86.	
461.31875 .....	.....do	33, 86.	
461.325	Base or mobile	62.	
461.33125	Mobile	33, 86.	
461.3375 .....	.....do	83, 86.	
461.34375 .....	.....do	33, 86.	
461.350	Base or mobile	62.	
461.35625	Mobile	33, 86.	
461.3625 .....	.....do	83, 86.	
461.36875 .....	.....do	33, 86.	
461.375	Base or mobile	62.	
* * * * *			
462.18125 .....	.....do	33, 84.	
462.1875 .....	.....do	83, 84.	
462.19375 .....	.....do	33, 84.	
* * * * *			
462.20625 .....	.....do	33, 85.	
462.2125 .....	.....do	83, 85.	
462.21875 .....	.....do	33, 85.	
* * * * *			
462.23152 .....	.....do	33, 85.	
462.2375 .....	.....do	83, 85.	
462.24375 .....	.....do	33, 85.	
* * * * *			
462.25625 .....	.....do	33, 85.	
462.2625 .....	.....do	83, 85.	
462.26875 .....	.....do	33, 85.	
* * * * *			
462.28125 .....	.....do	33, 85.	
462.2875 .....	.....do	83, 85.	
462.29375 .....	.....do	33, 85.	
* * * * *			
462.30625 .....	.....do	33, 85.	
462.3125 .....	.....do	83, 85.	
462.31875 .....	.....do	33, 85.	
* * * * *			
462.33125 .....	.....do	33, 85.	
462.33125 .....	.....do	83, 85.	
462.34375 .....	.....do	33, 85.	
* * * * *			
462.35625 .....	.....do	33, 85.	
462.3625 .....	.....do	83, 85.	

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
462.36875 .....	.....do	33, 85.	
*	*	*	*
462.38125 .....	.....do	33, 85.	
462.3875 .....	.....do	83, 85.	
462.39375 .....	.....do	33, 85.	
*	*	*	*
462.40625 .....	.....do	33, 85.	
462.4125 .....	.....do	83, 85.	
462.41875 .....	.....do	33, 85.	
*	*	*	*
462.43125 .....	.....do	33, 85.	
462.4375 .....	.....do	83, 85.	
462.44375 .....	.....do	33, 85.	
*	*	*	*
462.45625 .....	.....do	33, 84.	
462.4625 .....	.....do	83, 84.	
462.46875 .....	.....do	33, 84.	
*	*	*	*
462.48125 .....	.....do	33, 84.	
462.4875 .....	.....do	83, 84.	
462.49375 .....	.....do	33, 84.	
*	*	*	*
462.50625 .....	.....do	33, 84.	
462.5125 .....	.....do	83, 84.	
462.51875 .....	.....do	33, 84.	
*	*	*	*
462.7625	Mobile	67, 86.	
*	*	*	*
462.7875	Mobile	67, 86.	
*	*	*	*
462.8125	Mobile	67, 86.	
*	*	*	*
462.8375	Mobile	67, 86.	
*	*	*	*
462.8625	Mobile	67, 86.	
*	*	*	*
462.8875	Mobile	67, 86.	
*	*	*	*
462.9125	Mobile	67, 86.	
*	*	*	*
462.9375	Mobile	88.	
*	*	*	*
464.48125	Mobile	33, 86.	
464.4875 .....	.....do	83, 86.	
464.500	Base or mobile	10, 34.	
464.5125	Mobile	83, 86.	
464.51875 .....	.....do	33, 86.	
464.525	Base or mobile	62.	
464.53125	Mobile	33, 86.	
464.5375 .....	.....do	83, 86.	
464.550	Base or mobile	10, 34.	
464.5625	Mobile	83, 86.	
464.56875 .....	.....do	33, 86.	
*	*	*	*
464.9875	Mobile .....	.

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
465.0125	Mobile	88.	*
465.90625	do	33, 63, 87.	*
465.9125	do	63, 83, 87.	*
465.91875	do	33, 63, 87.	*
465.93125	do	33, 63, 87.	*
465.9375	do	63, 83, 87.	*
465.94375	do	33, 63, 87.	*
465.95625	do	33, 63, 87.	*
465.9625	do	63, 83, 87.	*
465.96875	do	33, 63, 87.	*
465.98125	do	33, 66, 87.	*
465.9875	do	66, 83, 87.	*
465.99375	do	33, 66, 87.	*
466.00625	do	33, 66, 87.	*
466.0125	do	66, 69, 83, 87.	*
466.01875	do	33, 66, 87.	*
466.03125	do	33, 86.	*
466.0375	do	83, 86.	*
466.04375	do	33, 86.	*
466.05625	do	33, 86.	*
466.0625	do	83, 86.	*
466.06875	do	33, 86.	*
466.08125	do	33, 86.	*
466.0875	do	83, 86.	*
466.09375	do	33, 86.	*
466.10625	do	33, 86.	*
466.1125	do	83, 86.	*
466.11875	do	33, 86.	*
466.13125	do	33, 86.	*
466.1375	do	83, 86.	*
466.14375	do	33, 86.	*
466.15625	do	33, 86.	*
466.1625	do	83, 86.	*
466.16875	do	33, 86.	*
466.18125	do	33, 86.	*
466.1875	do	83, 86.	*
466.19375	do	33, 86.	*
466.20625	do	33, 86.	*
466.2125	do	83, 86.	*
466.21875	do	33, 86.	*
466.23125	do	33, 86.	*
466.2375	do	83, 86.	*
466.24375	do	33, 86.	*
466.25625	do	33, 86.	*

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
466.2625 .....	.....do	83, 86.	
466.26875 .....	.....do	33, 86.	
*	*	*	*
466.28125 .....	.....do	33, 86.	
466.2875 .....	.....do	83, 86.	
466.29375 .....	.....do	33, 86.	
*	*	*	*
466.30625 .....	.....do	33, 86.	
466.3125 .....	.....do	83, 86.	
466.31875 .....	.....do	33, 86.	
*	*	*	*
466.33125 .....	.....do	33, 86.	
466.3375 .....	.....do	83, 86.	
466.34375 .....	.....do	33, 86.	
*	*	*	*
466.35625 .....	.....do	33, 86.	
466.3625 .....	.....do	83, 86.	
466.36875 .....	.....do	33, 86.	
*	*	*	*
467.18125 .....	.....do	33, 84.	
467.1875 .....	.....do	83, 84.	
467.19375 .....	.....do	33, 84.	
*	*	*	*
467.20625 .....	.....do	33, 85.	
467.2125 .....	.....do	83, 85.	
467.21875 .....	.....do	33, 85.	
*	*	*	*
467.23152 .....	.....do	33, 85.	
467.2375 .....	.....do	83, 85.	
467.24375 .....	.....do	33, 85.	
*	*	*	*
467.25625 .....	.....do	33, 85.	
467.2625 .....	.....do	83, 85.	
467.26875 .....	.....do	33, 85.	
*	*	*	*
467.28125 .....	.....do	33, 85.	
467.2875 .....	.....do	83, 85.	
467.29375 .....	.....do	33, 85.	
*	*	*	*
467.30625 .....	.....do	33, 85.	
467.3125 .....	.....do	83, 85.	
467.31875 .....	.....do	33, 85.	
*	*	*	*
467.33125 .....	.....do	33, 85.	
467.3375 .....	.....do	83, 85.	
467.34375 .....	.....do	33, 85.	
*	*	*	*
467.35625 .....	.....do	33, 85.	
467.3625 .....	.....do	83, 85.	
467.36875 .....	.....do	33, 85.	
*	*	*	*
467.38125 .....	.....do	33, 85.	
467.3875 .....	.....do	83, 85.	
467.39375 .....	.....do	33, 85.	
*	*	*	*
467.40625 .....	.....do	33, 85.	
467.4125 .....	.....do	83, 85.	
467.41875 .....	.....do	33, 85.	

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations	Coordinator
* * * * *	* * * * *	* * * * *	* * * * *
467.43125 .....	.....do	33, 85.	
467.4375 .....	.....do	83, 85.	
467.44375 .....	.....do	33, 85.	
* * * * *	* * * * *	* * * * *	* * * * *
467.45625 .....	.....do	33, 84.	
467.4625 .....	.....do	83, 84.	
467.46875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
467.48125 .....	.....do	33, 84.	
467.4875 .....	.....do	83, 84.	
467.49375 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
467.50625 .....	.....do	33, 84.	
467.5125 .....	.....do	83, 84.	
467.51875 .....	.....do	33, 84.	
* * * * *	* * * * *	* * * * *	* * * * *
467.8625 .....	.....do	67, 86.	
* * * * *	* * * * *	* * * * *	* * * * *
467.8875 .....	.....do	67, 86.	
* * * * *	* * * * *	* * * * *	* * * * *
467.9125 .....	.....do	67, 86.	
* * * * *	* * * * *	* * * * *	* * * * *
467.9375 .....	.....do	88.	
* * * * *	* * * * *	* * * * *	* * * * *
469.48125 .....	.....do	33, 86.	
469.4875 .....	.....do	83, 86.	
* * * * *	* * * * *	* * * * *	* * * * *
469.5125 .....	.....do	83, 86.	
469.51875 .....	.....do	33, 86.	
* * * * *	* * * * *	* * * * *	* * * * *
469.53125 .....	.....do	33, 86.	
469.5375 .....	.....do	83, 86.	
* * * * *	* * * * *	* * * * *	* * * * *
469.5625 .....	.....do	83, 86.	
469.56875 .....	.....do	33, 86.	
* * * * *	* * * * *	* * * * *	* * * * *

(c) * * *

(67) Medical telemetry operations are authorized on this frequency on a secondary basis. Medical telemetry operations are subject to the provisions of § 90.267(h)(2). Itinerant operations on this frequency will be prohibited until the end of the freeze on the filing of high power applications for 12.5 kHz offset channels in the 460–470 MHz band.

* * * * *

(83) Telemetry operations on this frequency will be authorized pursuant to § 90.267.

(84) Operation on this frequency is subject to the low power provisions of

§ 90.267. This frequency is assigned to Group A in the low power pool.

(85) Operation on this frequency is subject to the low power provisions of § 90.267. This frequency is assigned to Group B in the low power pool.

(86) Operation on this frequency is subject to the low power provisions of § 90.267. This frequency is assigned to Group C in the low power pool.

(87) Operation on this frequency is subject to the low power provisions of § 90.267. This frequency is assigned to Group D in the low power pool.

(88) Use of this frequency is on a secondary basis limited to 2 watts output power and subject to the

provisions of § 90.267(h)(1), (h)(2), (h)(3) and (h)(4).

* * * * *

■ 4. Section 90.238 is amended by revising paragraphs (g) and (i) to read as follows:

§ 90.238 Telemetry operations.

* * * * *

(g) 450–470 MHz band (as available for secondary fixed operations in accordance with § 90.261 and for low power operations in accordance with § 90.267).

* * * * *

(i) For Industrial/Business frequencies which are not governed by paragraphs

(a) through (h), on frequencies available for operations up to 2 watts.

■ 5. Section 90.261 is amended by revising paragraph (f) introductory text to read as follows:

§ 90.261 Assignment and use of the frequencies in the band 450–470 MHz for fixed operation.

* * * * *

(f) Secondary fixed operations pursuant to paragraph (a) of this section will not be authorized on the following frequencies or on frequencies subject to § 90.267:

* * * * *

■ 6. Section 90.267 is revised to read as follows:

§ 90.267 Assignment and use of frequencies in the 450–470 MHz band for low power use.

(a) The following frequencies between 450–470 MHz are designated for low-power use subject to the provisions of this section. For purposes of this section these frequencies are referred to as “low power frequencies.” Pairs are shown but single frequencies are available for simplex operations.

(b) *Group A1 Frequencies.* The Industrial/Business Pool frequencies in Group A1 are available on a coordinated

basis, pursuant to § 90.35(b)(2) and § 90.175(b), as follows:

(1) Group A1 frequencies are available for voice and non-voice operations on a co-primary basis. Base, mobile and operational fixed stations will be authorized on Group A1 frequencies. Fixed stations may be licensed as mobile.

(2) Within 80 kilometers (50 miles) of the specified coordinates of the top 100 urban areas listed in § 90.741 of this chapter (“80 km circles”) only low power operation will be authorized. The coordinates of an operational fixed or base station and the geographic center (latitude and longitude) of a mobile area of operation determine whether a station is within an “80 km circle.”

(i) The maximum ERP for low power operation on Group A1 frequencies is as follows:

Operation	Low side of frequency pair (watts)	High side of frequency pair (watts)
Operational Fixed or Base	20	6
Mobile	6	6
Portable	2	2

(ii) The maximum antenna height for low power fixed stations on Group A1 frequencies will be 23 meters (75 feet) above ground.

(3) Outside the “80 km circles” defined in paragraph (b)(2), full-power operational fixed, base, or mobile stations will be authorized as follows:

(i) Power and antenna height limits are governed by § 90.205 of this chapter;

(ii) For any operational fixed, base or mobile station exceeding the low power or antenna height limits listed in paragraph (b)(2), the 21 dBu F(50,10) contour may not overlap any portion of an “80 km circle;” and,

(iii) Wide area operations will not be permitted. The area of normal day-to-day operations will be described in the application in terms of maximum distance from a geographic center (latitude and longitude).

(4) The Industrial/Business Pool Group A1 Low Power Frequencies are as follows:

451/456.18125	451/456.58125	452/457.10625	452/457.70625
451/456.1875	451/456.5875	452/457.1125	452/457.7125
451/456.19375	451/456.59375	452/457.11875	452/457.71875
451/456.28125	451/456.60625	452/457.13125	452/457.78125
451/456.2875	451/456.6125	452/457.1375	452/457.7875
451/456.29375	451/456.61875	452/457.14375	452/457.79375
451/456.30625	451/456.65625	452/457.15625	452/457.80625
451/456.3125	451/456.6625	452/457.1625	452/457.8125
451/456.31875	451/456.66875	452/457.16875	452/457.81875
451/456.35625	451/456.68125	452/457.18125	452/457.83125
451/456.3625	451/456.6875	452/457.1875	452/457.8375
451/456.36875	451/456.69375	452/457.19375	452/457.84375
451/456.38125	451/456.70625	452/457.28125	452/457.88125
451/456.3875	451/456.7125	452/457.2875	452/457.8875
451/456.39375	451/456.71875	452/457.29375	452/457.89375
451/456.40625	451/456.73125	452/457.48125	452/457.98125
451/456.4125	451/456.7375	452/457.4875	452/457.9875
451/456.41875	451/456.74375	452/457.49375	452/457.99375
451/456.45625	451/456.75625	452.53125 (unpaired)	462/467.18125
451/456.4625	451/456.7625	452.5375 (unpaired)	462/467.1875
451/456.46875	451/456.76875	452.54375 (unpaired)	462/467.19375
451/456.48125	452/457.03125	452/457.63125	462/467.45625
451/456.4875	452/457.0375	452/457.6375	462/467.4625
451/456.49375	452/457.04375	452/457.64375	462/467.46875
451/456.50625	452/457.05625	452/457.65625	462/467.48125
451/456.5125	452/457.0625	452/457.6625	462/467.4875
451/456.51875	452/457.06875	452/457.66875	462/467.49375
451/456.55625	452/457.08125	452/457.68125	462/467.50625
451/456.5625	452/457.0875	452/457.6875	462/467.5125
451/456.56875	452/457.09375	452/457.69375	462/467.51875

(c) *Group A2 Frequencies.* The Industrial/Business Pool frequencies in Group A2 are available nationwide on a

coordinated basis, pursuant § 90.35(b)(2) and § 90.175(b) as follows:

(1) Group A2 frequencies are available for voice and non-voice operations on a co-primary basis. Base, mobile or

operational fixed stations will be authorized on Group A2 frequencies. Fixed stations may be licensed as mobile.

(2) Low power operation will be authorized nationwide on Group A2 frequencies.

(i) The maximum ERP for low power operation on these frequencies is as follows:

Operation	Low side of frequency pair	High side of frequency pair (watts)
Operational Fixed or Base	20	6
Mobile	6	6
Portable	2	2

(ii) The maximum antenna height for low power fixed stations will be 23 meters (75 feet) above ground.

(3) The Industrial/Business Pool Group A2 Low Power Frequencies are as follows:

451/456.23125	451/456.53125	452/457.40625	452/457.85625
451/456.2375	451/456.5375	452/457.4125	452/457.8625
451/456.24375	451/456.54375	452/457.41875	452/457.86875
451/456.33125	451/456.63125	452/457.50625	
451/456.3375	451/456.6375	452/457.5125	
451/456.34375	451/456.64375	452/457.51875	
451/456.43125	452/457.30625	452/457.75625	
451/456.4375	452/457.3125	452/457.7625	
451/456.44375	452/457.31875	452/457.76875	

(d) *Group B Frequencies.* The Industrial/Business Pool frequencies in Group B are available nationwide on a coordinated basis, pursuant to § 90.35(b)(2) and § 90.175(b) as follows:

(1) Group B frequencies are available for non-voice operations on a primary basis. Voice operations will be

permitted on a secondary basis. Base, mobile or operational fixed stations will be authorized on Group B frequencies. Fixed stations may be licensed as mobile.

(2) Operation on these frequencies is limited to 6 watts ERP for base, mobile or operational fixed stations and 2 watts

ERP for portable units. A maximum antenna height of 23 meters (75 feet) above ground is authorized for fixed stations.

(3) The Industrial/Business Pool Group B Frequencies are as follows:

462/467.20625	462/467.28125	462/467.35625	462/467.43125
462/467.2125	462/467.2875	462/467.3625	462/467.4375
462/467.21875	462/467.29375	462/467.36875	462/467.44375
462/467.23152	462/467.30625	462/467.38125	
462/467.2375	462/467.3125	462/467.3875	
462/467.24375	462/467.31875	462/467.39375	
462/467.25625	462/467.33125	462/467.40625	
462/467.2625	462/467.3375	462/467.4125	
462/467.26875	462/467.34375	462/467.41875	

(e) *Group C Frequencies.* The Industrial/Business Pool frequencies in Group C are available nationwide for non-coordinated itinerant use as follows.

(1) Group C frequencies are available for voice and non-voice operations on a co-primary basis. Only mobile operations will be authorized on Group C frequencies. Stations may operate at fixed locations for a temporary period of

time. No stations operating at a permanent fixed location will be authorized on Group C frequencies.

(2) Operation on these frequencies is limited to 6 watts effective radiated power for fixed or mobile units and 2 watts ERP for portable units. Stations operating at fixed locations for a temporary period of time will be limited to an antenna height of 7 meters (20 feet) above ground.

(3) The frequencies in Group C that are subject to the provisions of § 90.35(b)(67) will not be available for itinerant use until the end of the freeze on the filing of high power applications for 12.5 kHz offset channels in the 460–470 MHz band.

(4) The Industrial/Business Pool Group C Low Power Frequencies are as follows:

461/466.03125	461/466.15625	461/466.28125	462.8125
461/466.0375	461/466.1625	461/466.2875	462.8375 (unpaired)
461/466.04375	461/466.16875	461/466.29375	462/467.8625
461/466.05625	461/466.18125	461/466.30625	462/467.8875
461/466.0625	461/466.1875	461/466.3125	462/467.9125
461/466.06875	461/466.19375	461/466.31875	464/469.48125
461/466.08125	461/466.20625	461/466.33125	464/469.4875
461/466.0875	461/466.2125	461/466.3375	464/469.5125
461/466.09375	461/466.21875	461/466.34375	464/469.51875
461/466.10625	461/466.23125	461/466.35625	464/469.53125
461/466.1125	461/466.2375	461/466.3625	464/469.5375
461/466.11875	461/466.24375	461/466.36875	464/469.5625
461/466.13125	461/466.25625	462.7625 (unpaired)	464/469.56875
461/466.1375	461/466.2625	462.7875 (unpaired)	

461/466.14375

461/466.26875

462.8125 (unpaired)

(f) *Group D Frequencies.* The Industrial/Business Pool frequencies in Group D are available for central station alarm operations on a coordinated basis, pursuant to § 90.35(b)(2) and § 90.175(b).

(1) Base, mobile or operational fixed stations will be authorized on Group D frequencies. Fixed stations may be licensed as mobile.

(2) Group D frequencies subject to § 90.35(c)(63) are limited to central

station alarm use within the urban areas described in § 90.35(c)(63). Outside the urban areas described in § 90.35(c)(63), Group D frequencies subject to § 90.35(c)(63) are available for general Industrial/Business use on a coordinated basis, pursuant to § 90.35(b)(2) and § 90.175(b).

(3) Group D frequencies subject to § 90.35(c)(66) are limited to central station alarm use nationwide.

(4) Operation on Group D frequencies is limited to 2 watts output power for mobile, base or operational fixed stations. Fixed stations used for central station alarm operations may utilize antennas mounted not more than 7 meters (20 feet) above a man-made supporting structure, including antenna structure.

(5) The Industrial/Business Pool Group D Low Power Frequencies are as follows:

460/465.90625
460/465.9125
460/466.91875
460/465.93125
460/465.9375
460/465.94375

460/465.95625
460/465.9625
460/465.96875
460/465.98125
460/465.9875
460/465.99375

461/466.00625
461/466.0125
461/466.01875

(g) *Low Power Public Safety Frequencies.* The frequencies in the Public Safety Pool Low Power Group are available nationwide on a coordinated basis, pursuant to § 90.20(c)(2) and § 90.175(b).

(1) Base, mobile or operational fixed stations will be authorized on Public Safety Low Power frequencies. Fixed stations may be licensed as mobile.

(2) Operation on these frequencies is limited to 6 watts effective radiated power for base, mobile or operational

fixed stations and 2 watts ERP for portable units. A maximum antenna height of 7 meters (20 feet) above ground is authorized for fixed stations.

(3) The Public Safety Pool Low Power Frequencies are as follows:

453/458.03125
453/458.0375
453/458.04375
453/458.05625
453/458.0625
453/458.06875
453/458.08125
453/458.0875
453/458.09375
453/458.10625
453/458.1125
453/458.11875

453/458.13125
453/458.1375
453/458.14375
453/458.88125
453/458.8875
453/458.89375
453/458.90625
453/458.9125
453/458.91875
453/458.93125
453/458.9375
453/458.94375

453/458.95625
453/458.9625
453/458.96875
453/458.98125
453/458.9875
453/458.99375
460/465.48125
460/465.4875
460/465.49375
460/465.50625
460/465.5125
460/465.51875

460/465.53125
460/465.5375
460/465.54375
460/465.55625
460/465.5625
460/465.56875

(h) Unless otherwise noted, the following conditions apply to all low power frequencies:

(1) Except for itinerant operations on Group C, wide area operations will not be authorized. The area of normal day-to-day operations will be described in the application in terms of maximum distance from a geographic center (latitude and longitude).

(2) A hospital or health care institution holding a license to operate a radio station under this part may operate a medical radio telemetry device with an output power not to exceed 20 milliwatts without specific authorization from the Commission. All licensees operating under this authority must comply with the requirements and limitations set forth in this section.

(3) No limit shall be placed on the length or height above ground level of any commercially manufactured

radiating transmission line when the transmission line is terminated in a non-radiating load and is routed at least 7 meters (20 feet) interior to the edge of any structure or is routed below ground level.

(4) Sea-based stations may utilize antennas mounted not more than 7 meters (20 feet) above a man-made supporting structure, including antenna structures.

(5) Continuous carrier operations are prohibited on these frequencies.

(6) Unless specified elsewhere in this part, licensees as of August 5, 1999, licensed for operations with an emission designator wider than 11.25 kHz on low power frequencies that are subject to an authorized bandwidth of 11.25 kHz, may obtain primary status with respect to co-channel licensees by supplying their coordinates to the Commission. These licensees will continue to operate

on a secondary basis with respect to adjacent channel licensees.

Additionally, these licensees may continue to operate with an authorized bandwidth wider than 11.25 kHz on such low power frequencies, subject to the provisions of § 90.209(b) of this chapter.

(7) Unless specified elsewhere in this part, licensees as of August 5, 1999, licensed for operations with an emission designator wider than 11.25 kHz on frequencies that are subject to an authorized bandwidth of 11.25 kHz, which are not low power frequencies, may obtain primary status with respect to co-channel licensees by modifying their license to low power frequencies, supplying their coordinates to the Commission, and otherwise complying with the conditions of paragraphs (b) through (g) of this section. These licensees will continue to operate on a

secondary basis with respect to adjacent channel licensees. Additionally, these licensees may continue to operate with an authorized bandwidth wider than 11.25 kHz on such low power frequencies, subject to the provisions of § 90.209(b) of this chapter.

(8) Applicants proposing to operate with an authorized bandwidth wider than 11.25 kHz, on low power frequencies that are subject to an authorized bandwidth of 11.25 kHz, may be licensed on a secondary, non-interference basis. Such applicants are subject to the conditions of paragraphs (b) through (g) of this section and the provisions of § 90.209(b) of this chapter.

[FR Doc. 03-9667 Filed 4-18-03; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 030414084-3084-01; I.D. 021202A]

RIN 0648-AR02

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations

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

ACTION: Final rule; technical amendment.

SUMMARY: NMFS issues a correction to final rules implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP) in order to correct unintended errors from the preamble and regulatory text in the final rules published in the *Federal Register* on February 16, 1999 and September 23, 2002. This technical amendment clarifies the requirements for shark gillnet gear in the southeast U.S. and corrects an error regarding fisheries affected by the final rules.

DATES: Effective April 21, 2003.

ADDRESSES: Copies of the Environmental Assessment (EA), the Regulatory Impact Review (RIR), and the Regulatory Flexibility Act (RFA) analysis for the final rules that are being corrected are available from Protected Resources Division, NMFS/Southeast Region, 9721 Executive Center Dr. North, St. Petersburg, FL 33702-2432. The ALWTRP Compliance guide,

Atlantic Large Whale Take Reduction Team (ALWTRT) meeting summaries, and a progress report on implementation of the ALWTRP may be obtained by writing to Diane Borggaard, NMFS/Northeast Region, 1 Blackburn Dr., Gloucester, MA 01930 or to Katie Moore, NMFS/Southeast Region, 9721 Executive Center Dr., St. Petersburg, FL 33702-2432. Copies of the EA, the RIR, and the RFA analysis may also be obtained from the ALWTRP web site listed (See Electronic Access).

FOR FURTHER INFORMATION CONTACT: Katie Moore, NMFS, Southeast Region, 727-570-5312; Diane Borggaard, NMFS, Northeast Region, 978-281-9145; or Patricia Lawson, NMFS, Office of Protected Resources, 301-713-2322. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Several of the background documents for this technical amendment and the take reduction planning process may be obtained from the ALWTRP web site: <http://www.nero.nmfs.gov/whaletrp/>. Copies of the most recent Stock Assessment Reports may be downloaded from the Internet at <http://www.nefsc.nmfs.gov/psb/assesspdfs.htm>. Information on disentanglement events is available on the web page of NMFS' whale disentanglement contractor, the Center for Coastal Studies, <http://www.coastalstudies.org/>.

Background

NMFS published a final rule (67 FR 59471, September 23, 2002) implementing approved modifications in the ALWTRP recommended by the ALWTRT to satisfy the requirements of the Endangered Species Act and the Marine Mammal Protection Act (MMPA). Details concerning the justification for and development of the rule were provided in the preamble to the proposed rule (67 FR 14690, March 27, 2002) and are not repeated here.

This technical amendment clarifies and corrects the preamble to the final rule. By truncating the definition of the Southeast Atlantic gillnet fishery and misstating a word, the rule incorrectly defined the fisheries affected. On page 59472, column 1, the first paragraph, second sentence under *Changes Proposed for the ALWTRP for Gillnet Gear* in the preamble should read:

“This final rule regulates the MMPA's List of Fisheries (LOF) definition for the Southeast Atlantic gillnet fishery which includes any type of gillnet gear for any species (except shark gillnetting effort using 5-inch (12.7-cm) or greater stretched mesh south of the South Carolina/Georgia border) in waters south of a line extending due east from the North Carolina/South Carolina border and south and east of the fishery management council demarcation line between the Atlantic Ocean and the Gulf of Mexico (50 CFR 600.105).”

Fishing for sharks with strikenet gear is exempt from restrictions detailed in 50 CFR 229.32(f)(4) if the fishers adhere to a list of requirements. All of the requirements must be met in order for this exemption to apply. For clarity, NMFS is adding the term “and” before the last requirement of the list. The term “and” was included in the proposed rule (62 FR 16519, April 7, 1997), the interim final rule's comments and responses (62 FR 29157, July 22, 1997, comment 67), but was inadvertently omitted from the interim final rule and the final rule (64 FR 7529, February 16, 1999) regulatory text.

This final rule will also correct an error in the regulatory text of the February 16, 1999 final rule (64 FR 7529) by deleting the reference to minke whales. Two of the requirements necessary to obtain an exemption, as discussed in the previous paragraph of this preamble, specifically relate to a list of whale species included in that regulatory provision. Minke whale was not in this list of species in the proposed rule (April 7, 1997, 62 FR 16519) or the interim final rule (62 FR 39157, July 22, 1997). However, minke whale was included in this list of species in the regulatory text of final rule (64 FR 7529, February 16, 1999) without explanation and NMFS did not intend to include it.

Classification

The Assistant Administrator (AA) finds that good cause exists to waive the requirement to provide prior notice and the opportunity for comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be unnecessary. Prior notice and opportunity for comment are unnecessary because the technical amendments merely correct the preamble and inadvertent changes to regulatory text and will have a de minimis effect, if any, on the regulated community. The corrections do not increase the scope of the regulated community nor add new requirements. Because this portion of the rule corrects and clarifies provisions and makes non-