

record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

### IX. Regulatory Assessment Requirements

This final rule establishes a time-limited tolerance under FFDCA section 408 (l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045,

entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, since these tolerances and exemptions that are established under FFDCA section 408 (l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

### X. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General

Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 30, 1997.

**Peter Caulkins,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

2. In §180.421, by alphabetically adding "Filberts" to the table in paragraph (b) to read as follows:

#### §180.421 Fenarimol; tolerances for residues.

\* \* \* \* \*

(b) *Section 18 emergency exemptions.*

\* \* \*

Commodity	Parts per million	Expiration/Revocation Date
Filberts .....	0.02	12/31/98
* * *	* * *	* * *

\* \* \*

[FR Doc. 97-30252 Filed 11-17-97; 8:45 am]

BILLING CODE 6560-50-F

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Parts 1 and 97

[ET Docket No. 93-62; FCC 97-303]

#### Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendment.

**SUMMARY:** On September 12, 1997 (62 FR 47960), the Commission published final rules in the *Second Memorandum Opinion and Order*, which deals with the transition period for implementing new guidelines for human exposure to radiofrequency (RF) electromagnetic

fields; and the criteria for determining whether amateur radio stations must perform routine environmental evaluations for human exposure to RF fields. The Commission is correcting the amendatory language and table to ensure that the amendments are properly incorporated in the 1998 revision of the Code of Federal Regulations.

**EFFECTIVE DATE:** October 15, 1997.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Cleveland, Office of Engineering and Technology, Federal Communications Commission, (202) 418-2464.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Commission is correcting § 1.1307(b)(4) and § 97.13(c)(1) of the Commission's rules, 47 CFR 1.1307(b)(4) and 47 CFR 97.13(c)(1), as modified in *Guidelines for Evaluating the Environmental Effects of*

*Radiofrequency Radiation, Second Memorandum Opinion and Order*, published in **Federal Register** 62 FR 47960, September 12, 1997, and 62 FR 49557, September 22, 1997. The first rule deals with the transition period for implementing new guidelines for human exposure to radiofrequency (RF) electromagnetic fields. This rule, as published, omits language that was needed to clarify the Commission's policy on implementation of the new guidelines. The second rule deals with criteria for determining whether amateur radio stations must perform routine environmental evaluations for human exposure to RF fields.

#### Need for Correction

The rule, as published, contained misleading language and an entry was missing from a table that is necessary for

defining the criteria under which certain stations are subject to evaluation.

**List of Subjects in 47 CFR Parts 1 and 97**

Radio, Reporting and recordkeeping requirements.

Accordingly, 47 CFR parts 1 and 97 are corrected by making the following correcting amendments:

**PART 1—PRACTICE AND PROCEDURE**

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

**Authority:** 47 U.S.C. 151, 154, 303 and 309(j), unless otherwise noted, and Section 704 of the Telecommunications Act of 1996.

**§ 1.1307 [Corrected]**

2. Section 1.1307(b)(4) introductory text is corrected to read as follows:

**§ 1.1307 Actions which may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared.**

\* \* \* \* \*

(b) \* \* \*

(4) *Transition Provisions.*

Applications filed with the Commission prior to October 15, 1997 (or January 1, 1998, for the Amateur Radio Service only), for construction permits, licenses to transmit or renewals thereof, modifications in existing facilities or other authorizations or renewals thereof require the preparation of an Environmental Assessment if the particular facility, operation or transmitter would cause human exposure to levels of radiofrequency radiation that are in excess of the requirements contained in paragraphs (b)(4)(i) through (b)(4)(iii) of this section. In accordance with § 1.1312, if no new application or Commission action is required for a licensee to construct a new facility or physically modify an existing facility, e.g., geographic area licensees, and construction begins on or after October 15, 1997, the licensee will be required to prepare an Environmental Assessment if construction or modification of the facility would not comply with the provisions of paragraph (b)(1) of this section. These transition provisions do not apply to applications for equipment authorization or use for mobile, portable and unlicensed devices as specified in paragraph (b)(2) of this section.

\* \* \* \* \*

**PART 97—AMATEUR RADIO SERVICE**

1. The authority citation for part 97 continues to read as follows:

**Authority:** 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. §§ 151–155, 301–609, unless otherwise noted.

**§ 97.13 [Corrected]**

2. Section 97.13(c)(1) and the table contained therein are corrected to read as follows:

**§ 97.13 Restrictions on station location.**

\* \* \* \* \*

(c) \* \* \*

(1) The licensee must perform the routine RF environmental evaluation prescribed by § 1.1307(b) of this chapter, if the power of the licensee's station exceeds the limits given in the following table:

Wavelength band	Evaluation required if power <sup>1</sup> (watts) exceeds
<b>MF</b>	
160 m .....	500
<b>HF</b>	
80 m .....	500
75 m .....	500
40 m .....	500
30 m .....	425
20 m .....	225
17 m .....	125
15 m .....	100
12 m .....	75
10 m .....	50
VHF (all bands) .....	50
<b>UHF</b>	
70 cm .....	70
33 cm .....	150
23 cm .....	200
13 cm .....	250
SHF (all bands) .....	250
EHF (all bands) .....	250
Repeater stations (all bands).	non-building-mounted antennas: height above ground level to lowest point of antenna <10 m and power >500 W ERP building-mounted antennas: power >500 W ERP

<sup>1</sup> Power = PEP input to antenna except, for repeater stations only, power exclusion is based on ERP (effective radiated power).

Federal Communications Commission.  
**William F. Caton,**  
*Acting Secretary.*  
[FR Doc. 97–30174 Filed 11–17–97; 8:45 am]  
**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 25**

[CC Docket No. 92–297; FCC 97–378]

**Ka-Band Satellite Application and Licensing Procedures**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule with request for comments.

**SUMMARY:** With this *Report and Order*, the Commission adopts licensing qualification requirements and service rules for a new generation of fixed-satellite service (“FSS”) systems in the Ka-band.<sup>1</sup> These systems have the potential to provide a wide variety of broadband interactive digital services in the United States and around the world including: voice, data, and video; videoconferencing; facsimile; computer access and telemedicine. The systems can provide direct-to-home services, potentially allowing customers to participate in activities from distance learning to interactive home shopping. The rules established here provide guidelines for the new Ka-band satellite systems to commence operation.

**DATES:** The adopted rule changes will become effective January 20, 1998, except § 25.145(g), which will become effective upon OMB approval. The Commission will publish a document announcing the effective date of § 25.145(g) following approval of the information collection request by OMB. Comments are requested on the information collection concerning Section 25.145(g) and may be filed on or before January 20, 1998.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Gilsean, International Bureau, Satellite Policy Branch, (202) 418–0757; Kathleen Campbell, International Bureau, Satellite Policy Branch (202) 418–0753. For additional information concerning the information collection contained in this Report and Order contact Judy Boley at (202) 418–0214, or via the Internet at jbole@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order* in CC Docket No. 92–297; FCC 97–378, adopted October 9, 1997, and released October 15, 1997. The complete text of this *Report and Order* is available for inspection and copying during normal business hours in the

<sup>1</sup> The term *Ka-band* generally refers to the space-to-earth (downlink) frequencies at 17.7–20.2 GHz and the corresponding earth-to-space (uplink) frequencies at 27.5–30.0 GHz, or the “28 GHz band.” This *Report and Order* pertains only to U.S. commercial satellite systems in the Ka-band.