

operation shall be attenuated below the transmitter power (p) within the licensed band(s) of operation, measured in watts, by the following amounts:

(1) *For fixed, land, and radiolocation land stations:* By a factor not less than $80 + 10 \log(p)$ dB on all frequencies between 2320 and 2345 MHz;

(2) *For mobile and radiolocation mobile stations:* By a factor not less than $110 + 10 \log(p)$ dB on all frequencies between 2320 and 2345 MHz;

(3) *For fixed, land, mobile, radiolocation land and radiolocation mobile stations:* By a factor not less than $70 + 10 \log(p)$ dB on all frequencies below 2300 MHz and on all frequencies above 2370 MHz; and not less than $43 + 10 \log(p)$ dB on all frequencies between 2300 and 2320 MHz and on all frequencies between 2345 and 2370 MHz that are outside the licensed bands of operation;

(4) Compliance with these provisions is based on the use of measurement instrumentation employing a resolution bandwidth of 1 MHz or less, but at least one percent of the emission bandwidth of the fundamental emission of the transmitter, provided the measured energy is integrated over a 1 MHz bandwidth;

(5) In complying with the requirements in § 27.53(a)(1) and § 27.53(a)(2), WCS equipment that uses opposite sense circular polarization from that used by Satellite DARS systems in the 2320–2345 MHz band shall be permitted an allowance of 10 dB;

(6) When measuring the emission limits, the nominal carrier frequency shall be adjusted as close to the edges, both upper and lower, of the licensee's bands of operation as the design permits;

(7) The measurements of emission power can be expressed in peak or average values, provided they are expressed in the same parameters as the transmitter power;

(8) Waiver requests of any of the out-of-band emission limits in paragraphs (a)(1) through (a)(7) of this section shall be entertained only if interference protection equivalent to that afforded by the limits is shown;

(9) In the 2305–2315 MHz band, if portable devices comply with all of the following requirements, then paragraph (a)(2) of this section shall not apply to portable devices, which instead shall attenuate all emissions into the 2320–2345 MHz band by a factor of not less than $93 + 10 \log(p)$ dB:

(i) The portable device has a duty cycle of 12.5% or less, with at most a 312.5 microsecond pulse every 2.5 milliseconds;

(ii) The portable device must employ time division multiple access (TDMA) technology;

(iii) The nominal peak transmit output power of the portable device is no more than 200 milliwatts (25 milliwatts average power);

(iv) The portable device operates with the minimum power necessary for successful communications;

(v) The nominal average base station transmit output power is no more than 800 milliwatts when the base station antennas is located at a height of at least 8 meters (26.25 feet) above the ground;

(vi) Only fixed and portable devices and services may be provided: vehicle-mounted units are not permitted; and (vii) Transmitting antennas shall employ linear polarization or another polarization that provides equivalent of better discrimination with respect to a DARS antenna;

(10) The out-of-band emissions limits in paragraphs (a)(1) through (a)(9) of this section may be modified by the private contractual agreement of all affected licensees, who shall maintain a copy of the agreement in their station files and disclose it to prospective assignees or transferees and, upon request, to the Commission.

(b) *For WCS Satellite DARS operations:* The limits set forth in § 25.202(f) of this chapter shall apply, except that Satellite DARS operations shall be limited to a maximum power flux density of -197 dBW/m²/4 kHz in the 2370–2390 MHz band at Arecibo, Puerto Rico.

(c) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in this section.

5. Section 27.58 is added to read as follows:

§ 27.58 Interference to MDS/ITFS receivers.

(a) WCS licensees shall bear full financial obligation to remedy interference to MDS/ITFS block downconverters if all of the following conditions are met:

(1) The complaint is received by the WCS licensee prior to February 20, 2002;

(2) The MDS/ITFS downconverter was installed prior to August 20, 1998;

(3) The WCS fixed or land station transmits at 50 or more watts peak EIRP;

(4) The MDS/ITFS downconverter is located within a WCS transmitter's free space power flux density contour of -34 dBW/m²; and

(5) The MDS/ITFS customer or licensee has informed the WCS licensee of the interference within one year from

the initial operation of the WCS transmitter or within one year from any subsequent power increase at the WCS station.

(b) Resolution of complaints shall be at no cost to the complainant.

(c) Two or more WCS licensees collocating their antennas on the same tower shall assume shared responsibility for remedying interference complaints within the area determined by paragraph (a)(4) of this section unless an offending station can be readily determined and then that station shall assume full financial responsibility.

(d) If the WCS licensee cannot otherwise eliminate interference caused to MDS/ITFS reception, then that licensee must cease operations from the offending WCS facility.

(e) At least 30 days prior to commencing operations from any new WCS transmission site or with increased power from any existing WCS transmission site, a WCS licensee shall notify all MDS/ITFS licensees in or through whose licensed service areas they intend to operate of the technical parameters of the WCS transmission facility. WCS and MDS/ITFS licensees are expected to coordinate voluntarily and in good faith to avoid interference problems and to allow the greatest operational flexibility in each other's operations.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-285]

Organization and Delegation of Powers and Duties; Delegation to the Director, Transportation Administrative Service Center

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation rescinds the authority of the Assistant Secretary for Administration to operate the Working Capital Fund, as found in 49 CFR 1.59(d). The authority to operate the Working Capital Fund is hereby delegated to the Director, Transportation Administrative Service Center (TASC). This requires a change to the Code of Federal Regulations (CFR).

EFFECTIVE DATES: This rule is effective April 7, 1997.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert F. Stokes, TASC Business Support Office, Department of Transportation, (202) 366-5143, 400 Seventh Street SW., Washington, DC 20590, or Ms. Gwyneth Radloff, Office of the General Counsel, C-50, (202) 366-9305, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The Secretary of Transportation has been given the authority to operate a Working Capital Fund (WCF) as prescribed in Pub.L. 89-670, October 15, 1966, revised by Pub.L. 97-449, January 12, 1983, 49 U.S.C. § 327. The Secretary had delegated this authority to the Assistant Secretary for Administration, as found in 49 CFR § 1.59. In November 1995, as part of the Secretary's consolidation of common administrative services in the Office of the Secretary into a single organization, the Secretary of Transportation established TASC. By administrative order, he assigned the Director, TASC, the responsibility of operating the WCF.

This rule amends 49 CFR § 1.59(d) by deleting the authority of the Assistant Secretary for Administration to operate

the WCF. The rule establishes the authority of the Director, TASC, to operate the WCF by adding a new paragraph under 49 CFR § 1.64, Authority to Operate the Working Capital Fund.

This rule is being published as a final rule and is being made effective on the date of publication. It relates to departmental management, organization, procedure, and practice. For this reason, the Secretary for good cause finds, under 5 U.S.C. § 553 (b)B and (d)(3), that notice, and public procedure on the notice are unnecessary and that this rule should be made effective in less than 30 days after publication.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), organization and functions (Government agencies).

In consideration of the foregoing, part 1 of title 49, Code of Federal Regulations, is amended to read as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Pub. L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

2. Section 1.59 is amended by revising paragraph (d) to read as follows:

§ 1.59 Delegations to the Assistant Secretary for Administration.

* * * * *

(d) *Special funds.* Except as otherwise delegated, establish or operate, or both, such special funds as may be required by statute or by administrative determination. This excludes the Working Capital Fund (49 U.S.C. 327).

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3. A new § 1.64 is added as follows:

§ 1.64 Delegations to the Director, Transportation Administrative Service Center.

The Director, Transportation Administrative Service Center (TASC), is delegated authority to operate the Working Capital Fund (49 U.S.C. 327).

Issued in Washington, DC, this 28th day of March 1997.

Rodney E. Slater,

Secretary of Transportation.

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