

mineral resources, Public lands—
withdrawal, Seashores.

43 CFR Part 2110

Government property, Public lands.

43 CFR Part 2130

Public lands.

Dated: September 25, 1997.

Sylvia V. Baca,

*Deputy Assistant Secretary, Land and
Minerals Management.*

For the reasons stated above, and under the authority of 43 U.S.C. 1740, BLM is amending Chapter II of Subtitle B, title 43 of the Code of Federal Regulations as follows:

PART 2090—[AMENDED]

1. Revise the authority for part 2090 to read as follows:

Authority: 16 U.S.C. 3124; 30 U.S.C. 189; 43 U.S.C. 322, 641, 1201, 1624, 1740.

2. Section 2111.4 of Part 2110 is redesignated as § 2091.8 in Subpart 2091 and is revised to read as follows:

§ 2091.8 Status of gift lands.

Upon acceptance by the United States, through the Secretary of the Interior, of a deed of conveyance as a gift, the lands or interests so conveyed will become property of the United States but will not become subject to applicable land and mineral laws of this title unless and until an order to that effect is issued by BLM.

PART 2110—[REMOVED]

3. Remove part 2110 in its entirety.

PART 2130—[REMOVED]

4. Remove part 2130 in its entirety.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 93-61, FCC 97-305]

Automatic Vehicle Monitoring Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this *Memorandum Opinion and Order*, the Commission addresses the remaining issues raised by petitioners for reconsideration of its *Report and Order* in PR Docket No. 93-61, 60 FR 15248 (March 23, 1995), which established rules governing the

licensing of the Location and Monitoring Service (LMS) in the 902-928 MHz band. The Commission resolved other issues raised by petitioners in an *Order on Reconsideration* in this docket. 61 FR 18981 (April 30, 1996). This item clarifies interconnection limitations for multilateration LMS, as well as other issues raised on reconsideration, such as operational parameters for non-multilateration systems, treatment of other users of the 902-928 MHz band, the structure of the spectrum allocation plan, the geographic service area for licensing multilateration LMS, and the licensing of wideband forward links. The intended effect of this action is to minimize potential interference within and among users of the 902-928 MHz band.

EFFECTIVE DATE: December 5, 1997.

FOR FURTHER INFORMATION CONTACT: David Furth or Linda Chang at (202) 418-0620.

SUPPLEMENTARY INFORMATION: This *Memorandum Opinion and Order* in PR Docket No. 93-61, adopted August 28, 1997, and released September 16, 1997, is available for public inspection and copying during normal business hours in the FCC Dockets Branch, Room 239, 1919 M Street N.W., Washington, D.C. 20554. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036 (telephone number: (202) 857-3800).

Synopsis of Memorandum Opinion and Order

Introduction and Background

1. LMS refers to advanced radio technologies designed to support the nation's transportation infrastructure and to facilitate the growth of Intelligent Transportation Systems. In the *LMS Report and Order*, the Commission created a new subpart M in part 90 of the Commission's Rules for Transportation Infrastructure Radio Services (TIRS). LMS, which encompasses the 20-year-old Automatic Vehicle Monitoring Service as well as developing transportation-related services, was deemed to be the first service included within the TIRS category. Parties have requested that the Commission redesignate TIRS as ITSRS, or "Intelligent Transportation Systems Radio Service." These parties contend that the term "Intelligent Transportation System" has become widely accepted by other government agencies and in the private sector, and would be more descriptive of the types of services contemplated for subpart M of part 90.

The Commission is persuaded that it would be appropriate to refer to LMS and like services as Intelligent Transportation Systems Radio Services, and the Commission changes its rules accordingly.

2. In the *LMS Report and Order*, the Commission defined two types of LMS systems—multilateration and non-multilateration. Multilateration LMS systems are designed to locate vehicles or other objects by measuring the difference of time of arrival, or difference in phase, of signals transmitted from a unit to a number of fixed points, or from a number of fixed points to the unit to be located. Such systems generally use spread-spectrum technology to locate vehicles throughout a wide geographic area. The Commission defined non-multilateration systems as LMS systems that employ any technology other than multilateration technology. The Commission noted that unlike a multilateration system, which determines the location of a vehicle or object over a wide area, a typical non-multilateration system uses narrowband technology whereby an electronic device placed in a vehicle transfers information to and/or from that vehicle when the vehicle passes near one of the system's stations.

3. LMS operates in the 902-928 MHz frequency band. The band is allocated for primary use by Federal Government radiolocation systems. Next in order of priority are Industrial, Scientific and Medical (ISM) devices. Federal Government fixed and mobile and LMS systems are secondary to both of these uses. The remaining uses of the 902-928 MHz band include licensed amateur radio operations and unlicensed part 15 equipment, both of which are secondary to all other uses of the band. Part 15 low power devices include, but are not limited to, those used for automatic meter reading, inventory control, package tracking and shipping control, alarm services, local area networks, internet access and cordless telephones. The amateur radio service is used by technically inclined private citizens to engage in self-training, information exchange and radio experimentation. In the *LMS Report and Order*, the Commission recognized the important contribution to the public provided by part 15 technologies and amateur radio operators and sought to develop a band plan that would maximize the ability of these services to coexist with LMS systems.

4. The Commission adopted the *LMS Report and Order* with an eye toward minimizing potential interference within and among the various users of

the 902–928 MHz band. The Commission's band plan accordingly permits secondary operations across the entire band by users of unlicensed part 15 devices and amateur licensees. At the same time, the band plan separates non-multilateration from multilateration LMS systems in all but one subband so as to avert interference. The *LMS Report and Order* also established limitations on LMS systems' interconnection with the public switched network and set forth a number of technical requirements intended to ensure successful coexistence of all the services authorized to operate in the band.

5. This *Memorandum Opinion and Order* for the most part affirms decisions made by the Commission in the *LMS Report and Order* as an appropriate balancing of the interests of the different uses authorized in the band. Where appropriate, the Commission clarifies particular aspects of those decisions. First, the Commission reviews petitioners' objections to its interconnection restrictions and clarifies that the regulatory classification of LMS operators will be determined on a case-by-case basis. Next, the Commission addresses petitioners' concerns regarding the definition and scope of the non-multilateration LMS service. The Commission then discusses issues raised by petitioners regarding the "safe harbor" within which part 15 devices and amateur operators will be deemed not to cause interference to multilateration LMS providers. The Commission next addresses petitioners' suggested changes to the band plan adopted in the *LMS Report and Order*, as well as its decision to license multilateration LMS systems on a major trading area (MTA) basis. The Commission further considers the propriety of allowing multilateration wideband forward links to operate in the 902–928 MHz band.

A. Eligibility and Permissible Uses

6. In the *LMS Report and Order*, the Commission recognized that multilateration systems may have some need for interconnection with the public switched telephone network (PSTN). At the same time, however, the Commission recognized that unlimited interconnection by multilateration operators would be incompatible with the unique technical environment created by different types of services sharing the 902–928 MHz band. The Commission was concerned that such activity would not only increase the potential for harmful interference to other users of the band, but also detract from the location and monitoring purposes of the LMS allocation.

Accordingly, the Commission adopted operational restrictions on multilateration LMS operators to minimize interference to all users of the spectrum. These restrictions include limitations on messaging services and interconnection with the PSTN, and a prohibition against message and data transmissions to fixed units and units for which location and monitoring is not being provided.

7. Of the restrictions listed above, the most discussed by petitioners were the Commission's limitations on interconnection. Specifically, the Commission in the *LMS Report and Order* permitted "store and forward" interconnection where either (1) transmissions from a vehicle or object being monitored are stored by the multilateration LMS provider for later transmission over the PSTN, or (2) transmissions received by the multilateration LMS provider from the PSTN are stored for later transmission to the vehicle or object being monitored. The rules adopted in the *LMS Report and Order* do not permit "real-time" interconnection between vehicles and the PSTN except for emergency communications related to a vehicle or a passenger in a vehicle.

8. In the *Memorandum Opinion and Order*, the Commission notes that only one petitioner supported unrestricted interconnection while the majority of parties addressing the issue support at least some restriction on LMS interconnection. One commenter suggests a minimum time delay of transmission to prevent two way person-to-person conversation. Some petitioners who were against permitting any multilateration LMS interconnection to the PSTN argue that the restrictions adopted by the Commission present substantial enforcement problems. They argue that by limiting transmission of messages to emergency communications related to the location and monitoring functions of the system, the Commission will place multilateration LMS operators in the position of having to become substantially involved with the content of their customers' communications. Nonetheless, some parties, even those that generally oppose interconnection, recognize that some interconnected service is needed in the event of an emergency.

9. After revisiting this issue and considering petitioners' concerns, the Commission continues to believe that its decision regarding limitations on multilateration LMS interconnection reflects a necessary balancing of the interests of LMS providers and other users of the 902–928 MHz band.

Relaxing restrictions on interconnection could increase the potential for interference in the band by allowing for additional message traffic. The Commission believes that requiring messages to be sent on a store-and-forward basis will reduce message traffic in the band by making it difficult to conduct a real-time conversation using LMS spectrum. However, the Commission concludes that real-time interconnection is necessary and appropriate in emergency situations. The Commission therefore rejects the arguments of commenters asking that the Commission forbid real-time interconnection in emergency situations. The Commission believes that to do otherwise could impede the development of LMS, to the detriment of Intelligent Transportation Systems and, more importantly, would raise significant public safety concerns.

10. The Commission clarifies that "store and forward" communications as described in the *LMS Report and Order* refers to a storage of voice or data messages for subsequent delivery to the recipient. The Commission declines to adopt a specific minimum delay, as requested by some petitioners. As a guideline, however, the Commission adopts a "safe harbor" approach whereby a particular message will be considered an acceptable store-and-forward message pursuant to its rules if the LMS service provider incorporates at least a thirty-second delay between the time a message is stored and the time that message is forwarded. This is not to say that a delay of less than 30 seconds will be unacceptable in all cases, but use of a 30-second delay will ensure that the communication will be deemed to fit within the definition of a store and forward message with respect to LMS. While the Commission considered using a one-minute delay, the Commission believes that a thirty-second delay is sufficient to ensure that two-way conversation is impractical and will thereby discourage use of multilateration LMS for general messaging. The Commission also clarifies that emergency communications, for which real-time interconnection may be utilized, is equivalent to a 911 or 311 call. Such communication must have a direct relation to the immediate safety of life or for communications to render assistance to a motorist. If no immediate action is necessary, it is not an emergency. All other communications should use "store and forward" technology.

11. The Commission recognizes petitioners' concerns that limiting interconnection based on the character

of the message would be difficult to enforce and therefore raises the possibility of abuse. The Commission believes, however, that setting forth specific examples of what is or is not an emergency would serve no useful purpose and that such a rule could be unduly restrictive. The Commission does not intend to monitor the content of messages but expects that multilateration operators will be able to demonstrate compliance with the interconnection limitations if requested. Compliance may be accomplished by equipment that will permit voice calls in real time only to 311, 911, and an automobile road service provider. Compliance might also be accomplished by multilateration LMS operators monitoring transmissions over their facilities and providing information regarding their transmissions to the Commission if requested. The Commission believes that this type of monitoring will not violate section 705 of the Communications Act because it fits within the exception for providing information regarding a transmission "on demand of other lawful authority." The Commission also notes that it will, on a case-by-case basis, consider requests for confidential treatment of such information. Moreover, the interconnection limitations are not tantamount to a restriction on free speech but, rather, the interconnection limitations are necessary to define the parameters of multilateration LMS service pursuant to the Commission's authority under the Communications Act to prescribe the type of service to be offered by a particular class of radio stations. 47 U.S.C. § 303(b).

12. The interconnection issues raised by petitioners lead to the question of whether multilateration LMS is a Commercial Mobile Radio Service (CMRS). Pursuant to section 332(d) of the Communications Act, a service is classified as CMRS if it is (1) provided for profit, (2) interconnected with the PSTN, and (3) available to the public or effectively available to a substantial portion of the public. In the *CMRS Second Report and Order*, GN Docket No. 93-252, 59 FR 1285 (January 10, 1994), the Commission classified LMS as a Private Mobile Radio Service (PMRS). The Commission indicated, however, that should LMS systems offer interconnected service in the future, they would be subject to reclassification as a presumptively Commercial Mobile Radio Service (CMRS). At this juncture, it is unclear to what extent multilateration LMS providers will offer any interconnected service, notwithstanding their ability to offer

some limited interconnection capabilities as discussed above. To accommodate the specific service offerings anticipated by each multilateration LMS provider, the Commission will use a case-by-case approach in determining whether a particular service offering is CMRS or PMRS.

B. Other Issues Raised on Reconsideration

Definition and licensing of nonmultilateration systems antenna height and power limitations. 13. In the *LMS Report and Order*, the Commission limited the peak effective radiated power (ERP) of non-multilateration systems to 30 watts over the licensee's authorized bandwidth. The Commission also limited the antenna height above ground of these systems to 15 meters. The *LMS Report and Order* concluded that the power and antenna height restrictions will allow non-multilateration systems to share spectrum more easily with other non-multilateration systems and with part 15 users. It also concluded that the power and antenna height limitations will permit greater frequency reuse. The Commission continues to believe that the definition and technical specifications of non-multilateration LMS systems adopted in the *LMS Report and Order* reflect a reasoned balancing of the interests of the various users of the 902-928 MHz band, and no new information has been introduced into the record of this proceeding to persuade us otherwise. The restrictions advocated by some of the commenters would unduly limit non-multilateration operations, jeopardizing future technological developments that could be crucial to the advancement of Intelligent Transportation Systems. On the other hand, the higher limitations suggested by other commenters could increase the potential for interference within the band. The Commission believes that its requirements are most conducive to continued sharing of this band, and thus the Commission declines to modify the power and antenna height restrictions the Commission adopted in the *LMS Report and Order*. The Commission believes that the antenna height and transmitting power limits in the current rule accommodate most of the common non-multilateration applications that would be appropriate for operation in this shared spectrum. However, in the event that unique practical considerations of a particular installation necessitate a higher antenna mounting height, the Commission would consider waiving the rule on a case-by-case basis to allow the higher

antenna height (but not higher power), provided that other comparable technical trade-offs, such as reduced power or confined antenna radiation patterns, are employed to limit the interference potential.

Licensing issues. 14. In the *LMS Report and Order*, the Commission decided to license non-multilateration LMS systems on a shared basis because these systems generally cover relatively short distances, and because of its belief that licensing based on a fixed mileage separation would limit re-use of spectrum and thereby limit the potential uses of non-multilateration systems. The Commission declined to adopt a blanket licensing scheme for non-multilateration systems whereby, for example, a licensee would be permitted to locate transmitter sites anywhere within a given geographic area. The Commission instead decided to require non-multilateration systems to acquire licenses for each site, concluding that a blanket licensing approach would make it difficult for the Commission and the public to ascertain the exact location of LMS transmitters.

15. However, the Commission is persuaded by suggestions from commenters that it would be administratively expedient to establish a mechanism by which public agencies and other entities can file joint applications for non-multilateration systems for purposes of deploying a single, region-wide system with multiple sites and multiple readers at individual sites. While the Commission anticipates that this mechanism will be used primarily by municipalities and government agencies, the Commission also believes that other entities seeking to establish multiple-site systems should also be able to use a streamlined application procedure. The Commission will thus permit applicants to file a single application for a non-multilateration license covering multiple sites within a given U.S. Department of Commerce Bureau of Economic Analysis Economic Area (EA). Such an application may also be filed jointly by multiple users of a single system. In order to avoid uncertainty for other users of the band, the application must identify all planned sites and, after receiving the license, the licensee must notify the Commission if sites are deleted or if new sites are added before those sites become operational. The Commission will revise its rules accordingly. The Commission declines, however, to revise its rules to specify that the transmissions of non-multilateration systems are limited to a confined area. The Commission believes that this could unnecessarily limit such

systems' flexibility to configure their facilities for particular uses.

Accommodation of secondary users in the 902-928 MHz band. 16. To accommodate the concerns of part 15 interests regarding their secondary status vis-a-vis LMS, the *LMS Report and Order* adopted a "safe harbor" within which part 15 devices may operate without fear of being deemed to cause interference to LMS operators. Specifically, a part 15 device will, by definition, not be considered to be causing interference to a multilateration LMS system if it is otherwise operating in accordance with the provisions of part 15 and meets at least one of the following conditions:

(a) it is a part 15 field disturbance sensor operating in compliance with § 15.245 of the rules and it is not operating in the 904-909.750 or 919.750-928.000 MHz sub-bands; or

(b) it does not employ an outdoor antenna; or,

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

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

(2) either

(A) the antenna is 5 meters or less in height above ground; or,

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

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

(ii) is providing the final link for communications of entities eligible under subparts B or C of part 90 of the rules.

17. In its *Order on Reconsideration* in this proceeding, the Commission denied requests by petitioners that the part 15 safe harbor instead be treated as a rebuttable presumption, i.e., that LMS licensees be permitted to file complaints of interference regarding part 15 devices operating within the safe harbor if the LMS licensees believe those part 15 devices are causing harmful interference. The Commission concluded that the safe harbor approach represented an appropriate balancing of the interests of the various parties sharing the 902-928 MHz band. In this *Memorandum Opinion and Order*, the Commission addresses petitioners' other contentions regarding the safe harbor. Specifically, petitioners also challenged the technical parameters of the safe

harbor and argued that the Commission acted in violation of the Administrative Procedure Act (APA), 5 U.S.C. § 551, *et seq.* In addition, some petitioners ask that the safe harbor apply to non-multilateration LMS operators as well as multilateration operators.

Parameters of safe harbor. 18. The Commission believes that the safe harbor rule, which was adopted after careful study of the extensive record in this proceeding, appropriately balances the interests of the various parties operating in the 902-928 MHz band so as to limit the potential for harmful interference. In the *LMS Report and Order*, the Commission affirmed that unlicensed part 15 devices in the band, as in any other band, may not cause harmful interference to and must accept interference from all other operations in the band. It also reiterated that unlicensed part 15 operations have no vested or recognizable right to continued use of any given frequency. Nonetheless, the Commission recognized the concerns of part 15 and amateur interests with respect to their secondary status. Accordingly, in order to alleviate such concerns and to provide all operators in the band with a greater degree of certainty in configuring their systems, thereby promoting competitive use of the band, the Commission adopted the safe harbor definition of non-interference.

19. The safe harbor rule is intended to identify part 15 and amateur operations that will, in all cases, be deemed not to cause harmful interference to LMS operators. The Commission emphasized in the *LMS Report and Order* that part 15 and amateur operations are not restricted from operating beyond the parameters of the safe harbor. Rather, the safe harbor specifications provide a threshold beyond which part 15 and amateur operators will not be insulated from LMS operators' claims of harmful interference. The Commission therefore does not believe it necessary to add exemptions to the safe harbor as urged by some petitioners.

20. Moreover, the technical specifications of the rule were clearly explained in the *LMS Report and Order*. In general, amateur operators or part 15 devices using outdoor antennas that are between five and 15 meters above the ground must reduce their output power concomitant with the height of their antennas in order to fit within the safe harbor. The Commission observed that an antenna less than five meters in height driven by a transmitter with one watt or less of output power (the general power limitation for part 15 devices) will only affect LMS operations that are geographically close. A higher antenna,

however, has the potential to affect a larger number of LMS operations. The Commission concluded that the power adjustment assures that between 5 and 15 meters, an outdoor antenna has the equivalent effect on multilateration LMS operations of an antenna five meters high using no more than 1 watt transmitter output power. The Commission continues to believe that these specifications appropriately balance the interests of all the parties in minimizing interference.

21. The Commission does not believe, as one commenter suggests, that the term "final link" in § 90.361(c)(2)(ii)(B) of the Commission's rules requires much clarification. The term "final link" is that link in a communications system which terminates with the part 15 device used by or within the control of the subpart B or C eligible entity. The term does not apply to other links in the system used to support such communications, e.g., intermediate links or links used by non-subpart B or C entities. Therefore, the Commission declines to redefine or expand the list of operations included under "final link."

22. The Commission is persuaded by petitioners, however, that the Commission should expand § 90.361(c)(2)(ii)(B) of the Commission's Rules to include schools, libraries and rural health care providers within the safe harbor, permitting them to employ full power with antennas up to 15 meters. It is apparent from the record that many such institutions, particularly schools, may wish to use part 15 devices that operate in this band, as well as similar devices that operate in the 5 GHz National Information Infrastructure (NII) band, to connect to the Internet and other on-line resources. The Commission believes that inexpensive access to the national information infrastructure by its nation's educational institutions is of sufficiently significant benefit to the public to warrant special protection for this limited class of part 15 devices. Further, the universal service provisions of section 254 of the Communications Act, as amended by the Telecommunications Act of 1996, single out schools, libraries and public or nonprofit health care providers serving residents of rural areas as deserving of special attention so as to enable them to satisfy their communications needs. 47 U.S.C. § 254. Accordingly, the Commission will include within the safe harbor elementary and secondary schools, libraries and health care providers for rural areas as defined by section 254.

23. Further, the Commission recognizes that unlike part 15 devices,

the vast majority of which could operate within the safe harbor, amateur radio operations typically would not fit within the safe harbor provisions. Nevertheless, to the extent that amateur operators wish to employ the 902–928 MHz band and to operate within the safe harbor provisions, they should have the same protection as part 15 devices. Further, the Commission reiterates that failure to fit within the safe harbor provisions does not prevent operations; such operations may continue exactly as before, but are not protected from LMS operators' claims of interference.

24. In addition, the Commission has been asked to clarify whether video links are included in the category of "unprotected" part 15 devices for purposes of determining eligibility for the safe harbor. They are not. The *LMS Report and Order* specifically provided that long-range video links will not be permitted to take advantage of the safe harbor. The Commission stated that "because multilateration entities concur that most part 15 interference to multilateration LMS systems is likely to be from field disturbance sensors and long range video links, the Commission will not make any presumption of interference-free operations for these devices when they operate in the exclusive-use bands." *LMS Report and Order* at 4717.

Extend safe harbor to non-multilateration. 25. The Commission has also been asked to extend the safe harbor definition to non-multilateration systems. The safe harbor was intended as a way to reduce interference conflicts between multilateration LMS operators and part 15 devices and amateur operators in the 902–928 MHz band. Specifically, it was designed to provide parameters within which a part 15 device or amateur operator could operate without being subject to a claim that it was interfering with the signal of a multilateration LMS operator. Because non-multilateration systems generally employ narrowband technology and operate at lower power levels, it is less likely that part 15 devices and amateur operators will interfere with them, as compared with multilateration LMS systems, which use wider bandwidth emissions and operate at higher power levels. Because the range of non-multilateration devices is relatively small, there is less chance of part 15 and amateur radio devices being located within their area of operation. Moreover, the record does not reveal actual or potential interference between non-multilateration and part 15 devices. To the contrary, there appears to be substantial evidence that there is little likelihood of interference. For these

reasons, the Commission does not believe that it is either necessary or appropriate to extend the definition of the safe harbor so as to insulate part 15 and amateur operators from claims of interference by non-multilateration systems.

Administrative Procedure Act. 26. Some petitioners contend that the Commission's adoption of a safe harbor was a violation of the Administrative Procedure Act (APA), because it was not proposed in the *Notice* in this proceeding and was therefore adopted without the required notice and opportunity for public comment. The Commission does not agree that the safe harbor setting forth conditions that will not be considered harmful interference from amateurs and part 15 devices violated the APA. The APA requires an agency to provide the public with "either the terms or the substance of a proposed rule or a description of the subject and issues involved." 5 U.S.C. § 553(B)(3). The APA, however, "does not require an agency to publish in advance every precise proposal which it may ultimately adopt as a rule." *California Citizens Band Association v. United States*, 375 F.2d 43, 48 (9th Cir.1967). Rather, the notice is sufficient if the final rule is a "logical outgrowth" of the underlying proposal. *United Steelworkers v. Marshall*, 647 F.2d 1189, 1221 (D.C. Cir.1980). The Commission believes that the safe harbor was a logical outgrowth of the *Notice of Proposed Rule Making* in this proceeding, PR Docket No. 93–61, 58 FR 21276 (April 20, 1993), which sought comment on ways to accommodate the various users of the 902–928 MHz band and identified specifically the problems surrounding coexistence of part 15 and licensed users of the band. Moreover, the suggestion of a part 15 safe harbor was discussed in publicly-filed *ex parte* submissions.

Spectrum Allocation Plan. 27. The *LMS Report and Order* allocated the entire 902–928 MHz frequency band for LMS systems, generally separating multilateration and non-multilateration operations, as follows:

A: 902.000–904.000	Non-Multilateration
B: 904.000–909.750	Multilateration
C: 909.750–919.750	Non-Multilateration
D: 919.750–921.750	Multilateration and Non-Multilateration
E: 921.750–927.250	Multilateration
F: 927.250–927.500	Narrow band associated with sub-band E
G: 927.500–927.750	Narrow band associated with sub-band D
H: 927.750–928.000	Narrow band associated with sub-band B

Thus, the Commission concluded that bands B and E will be assigned to multilateration systems. Bands A and C will be assigned to non-multilateration systems. Band D will be subject to both multilateration and non-multilateration use. Licensees of bands B, D and E will be assigned narrow bands H, G and F, respectively. Operators requiring additional spectrum will be permitted to aggregate bands to obtain up to eight MHz in a given region through the aggregation of bands D and G and bands E and F. The Commission concluded that licensees may not otherwise be authorized to operate on more than one of the multilateration bands in a given geographic area.

28. As the Commission stated in the *LMS Report and Order*, the Commission believes that both multilateration and non-multilateration LMS systems will play an important role in achieving a nationwide intelligent highway infrastructure. The Commission accordingly devised a band plan that, for the most part, creates separate allocations for the two types of LMS systems and takes into consideration the interference concerns of non-LMS users of the 902–928 MHz band. Upon review of parties' responses to its *Notice of Proposed Rule Making* in this proceeding, however, the Commission decided to allocate the 2 MHz of subband D to be shared by multilateration and non-multilateration users so as to provide non-multilateration users with the possibility of obtaining additional contiguous spectrum.

29. The Commission does not agree with comments that its band plan was illogical or that sharing between multilateration and non-multilateration operators is not feasible. Because the Commission agrees that it is preferable that multilateration and non-multilateration facilities do not operate in the same spectrum, the Commission adopted a band plan that, for the most part, allocated separate blocks of spectrum for multilateration and non-multilateration systems. Its modification to the proposed band plan represented an effort to respond to the concern that some non-multilateration systems might need additional spectrum, without taking any spectrum away from multilateration users. The Commission concluded that it would be appropriate to permit those few multilateration users the opportunity to obtain additional spectrum by permitting them to share the 2 MHz of subband D.

30. In addition, the Commission declines to adopt the proposal that it allocate an additional 2 MHz of contiguous spectrum for non-

multilateration providers. The Commission believes that the band plan adopted in the *LMS Report and Order* appropriately balances the needs and interests of multilateration and non-multilateration operators, as well as part 15 and amateur users of the band. For this reason, the Commission also declines to adopt exclusive subbands for parties willing to time share, or for part 15 users. Doing so would upset the equilibrium among users of the band. Such an allocation would also ignore the secondary status of part 15 providers in that it would afford unlicensed devices co-primary status vis-a-vis licensed operators.

Geographic areas for exclusive licenses. 31. Rand McNally organizes the 50 states and the District of Columbia into 47 Major Trading Areas (MTAs) and 487 Basic Trading Areas (BTAs). In the *LMS Report and Order*, the Commission concluded that MTAs and fits additional MTA-like service areas provide a more suitable regulatory construct for multilateration licensing than the smaller BTAs. The Commission determined that use of MTAs, as defined in the Rand McNally Commercial Atlas and Marketing Guide, will give systems greater capacity to accommodate large number of prospective users which, in turn, will promote competition and encourage advancement of new technologies. The rules adopted in the *LMS Report and Order* provide for one exclusive multilateration system license in each MTA in each of the sub-bands identified for exclusive assignments (B and H, D and G, E and F).

32. After a thorough review of the record in this proceeding and upon further reflection regarding this issue, the Commission concludes that the relevant geographic areas for multilateration LMS licenses should be based on U.S. Department of Commerce Bureau of Economic Analysis Economic Areas (EAs). There are 172 EAs covering the continental United States.

33. Because EAs have not been established for the five U.S. possessions (Guam, Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands, American Samoa), the Commission will create additional licensing regions for systems operating in these territories as well as for the Gulf of Mexico. Specifically, the Commission will designate the following additional licensing regions: (1) Guam and the Northern Mariana Islands (to be licensed as a single area); (2) Puerto Rico and the U.S. Virgin Islands (to be licensed as a single area); and (3) American Samoa. In addition, Alaska will be licensed as a single area. The

Commission believes that EAs are large enough to give systems sufficient capacity to accommodate large numbers of prospective users, which will promote competition, encourage new technologies and result in superior service to the public. At the same time, EAs are small enough to alleviate any BTA/MTA warehousing concerns noted in the comments. Further, use of smaller geographic units could result in a more diverse group of prospective licensees because EA-based licenses may be more affordable for small and medium-sized businesses than would MTA-based licenses. The Commission concludes that such an outcome not only is desirable but furthers the public interest and one of the goals enunciated in section 309(j) of the Communications Act. 47 U.S.C. 309(j). Moreover, EAs are better suited than MTAs to a service aimed at improving the nation's transportation infrastructure because EAs are based on urban, suburban and rural traffic patterns. Further, use of EAs solves the copyright problem raised by Rand McNally, because EAs are published by the U.S. Department of Commerce.

Multilateration system operations—wideband forward links

34. In the *LMS Report and Order* the Commission allowed LMS multilateration systems to use wideband forward links. A forward link refers to the signal path from the LMS system's fixed base site to its mobile units. The Commission noted that unlike a narrowband forward link, a wideband forward link can operate over a multilateration system's entire authorized sub-band. This concerned part 15 interests, who, the Commission pointed out, opposed authorization of wideband forward links because they believed that wideband forward links are likely to cause interference to part 15 devices. The Commission emphasized that grant of multilateration licenses will be conditioned on the applicant's ability to demonstrate through field testing that its system does not cause unacceptable levels of interference to part 15 devices. It also limited the maximum power of wideband forward links to 30 watts ERP.

35. The Commission believes that elimination of wideband forward links would preclude certain LMS technology options from being developed, to the detriment of consumers. At the same time, the Commission continues to believe that the power limitation of 30 watts ERP is necessary and appropriate to minimize interference to other operators sharing the 902–928 MHz band. As the Commission noted in the

LMS Report and Order, limiting base and mobile stations' power levels will lessen the potential for interference between co-channel multilateration systems and will reduce the likelihood of interference to other operations in the 902–928 MHz band. Further, pre-authorization testing will be a condition on the license of multilateration LMS operators seeking to employ wideband forward links. The Commission does not agree with comments that adoption of a duty cycle limitation would allow increased power for wideband forward links without increasing the interference potential. With wideband forward link technology, each vehicular unit to be located must be able to receive transmissions from at least four different forward link transmitters. These transmitters operate sequentially, passing a "token" packet. Consequently, although a duty cycle limitation could be applied to each individual forward link transmitter, considered collectively, there would almost always be at least one transmitter transmitting in an area at any given time. Taking into consideration the greater range of a base transmitter, as compared to a mobile transmitter, and the amount of spectrum occupied by the wideband forward link, the Commission believes allowing higher power for wideband forward links would unacceptably increase band congestion.

36. Also, the Commission declines to permit grandfathered systems to deploy additional transmitters on the basis of a 30-mile radius. The rationale for this is essentially to allow comparable coverage for its particular technology as compared to technologies using narrowband forward links. The Commission has found that, in the 902–928 MHz band, it is necessary to have a common set of technical limits in order to facilitate co-occupancy among the various band users. Each different technology operating within these limits, however, will likely have advantages and disadvantages as compared to the others, including the matter of coverage. The Commission does not have sufficient experience with operating LMS systems to craft a rule that would be appropriate for all potential LMS technologies. To the extent that grandfathered systems seek to add fill-in sites that do not increase their coverage footprint, the Commission believes such requests should be handled on a case-by-case basis.

37. The comments have raised the issue of whether LMS technology may be used to track individuals as well as vehicles. The rules adopted in the *LMS Report and Order* permit a

multilateration LMS system to provide non-vehicular location services as long as the system's primary operations involve the provision of vehicle location services. 47 CFR 90.353(a)(7). The Commission does not share the concern that LMS will become a paging service. The rule clearly provides that such non-vehicular location functions may not be an LMS operation's primary function. To afford multilateration LMS operators maximum flexibility in designing their systems, the Commission also declines to adopt a specific cap on non-vehicular location services. Non-multilateration LMS operators, on the other hand, are specifically prohibited from offering non-vehicular location services. The Commission adopted this restriction because the spectrum occupied by non-multilateration LMS operators has a heavier concentration of amateur radio operators, part 15 devices and federal government radiolocation operations than do other portions of the band. The Commission continues to believe that this approach minimizes the potential for interference and the Commission therefore declines to revise its rules.

Petitions for reconsideration of Order on Reconsideration. 38. On May 30, 1996, three parties filed petitions for reconsideration of the *Order on Reconsideration*, which, as noted above, had resolved certain issues regarding grandfathering of existing LMS systems that had been raised on reconsideration of the *LMS Report and Order*. Those petitioners, Amtech Corporation, Pinpoint Communication Networks, Inc., and Teletrac License, Inc., seek reconsideration of different aspects of the *Order on Reconsideration*. For the reasons detailed below, each of these petitions is denied, except that the Commission will make a technical correction to the rules requested by Amtech.

39. *Amtech Petition.* Amtech, a non-multilateration LMS provider, asserts that the Commission should revise the emission mask specifications of section 90.209 as applied to transmitters with less than two watts output power. Specifically, Amtech proposes that the attenuation for out-of-band emissions produced by non-multilateration transmitters of two watts or less be specified as $43+10 \log(P)$ rather than $55+10 \log(P)$. Amtech contends that it has employed this limit for a number of years and that it is the same limit applied in other contexts for systems that can have greater height and power than non-multilateration systems. Amtech argues that use of the stricter $55+10 \log(P)$ standard imposes significant costs and is not necessary due to the limited interference potential

of non-multilateration systems. The Commission is not persuaded that Amtech has presented sufficient evidence to support its contention that the standard adopted in the *LMS Report and Order* is overly restrictive. The Commission continues to believe that that standard is the most appropriate given the disparate users of the 902–928 MHz band.

40. Amtech also urges the Commission to revise the relevant emission mask rule (formerly section 90.209, now section 90.210) to conform with the rule as originally adopted in the *LMS Report and Order*, wherein the attenuation applied at the edge of the licensee's LMS subband rather than at the edge of the "authorized bandwidth." The Commission did not intend in the *Order on Reconsideration* to revise the emission mask for non-multilateration LMS licensees and the Commission will make appropriate changes to section 90.210 to make that clear.

41. *Pinpoint Petition.* Pinpoint, a multilateration LMS licensee, takes issue with the statement in the *Order on Reconsideration* that

[T]he Commission seeks to ensure not only that part 15 operators refrain from causing harmful interference to LMS systems, but also that LMS systems are not operated in such a manner as to degrade, obstruct or interrupt part 15 devices to such an extent that part 15 operations will be negatively affected.

Pinpoint contends that this language is inconsistent with part 15 devices' secondary status in the LMS band and that it constitutes a "new standard" with respect to LMS operators' obligations vis-a-vis part 15 devices. Pinpoint argues that this "new standard" conflicts with the statement in the *LMS Report and Order* that unlicensed part 15 devices "may not cause harmful interference to and must accept interference from all other operations in the band."

42. The language in the *Order on Reconsideration* cited by Pinpoint does not mean that part 15 devices are entitled to protection from interference. They are not. Rather, the Commission was explaining its decision to place a testing condition on multilateration LMS licenses. The purpose of the testing condition is to insure that multilateration LMS licensees, when designing and constructing their systems, take into consideration a goal of minimizing interference to existing deployments or systems of part 15 devices in their area, and to verify through cooperative testing that this goal has been served.

43. *Teletrac Petition.* Teletrac seeks reconsideration of the restriction in

§ 90.363(a) of the Commission's Rules, originally adopted in the *LMS Report and Order* and affirmed in the *Order on Reconsideration*, that limits site relocation for grandfathered LMS licensees to within two kilometers of their authorized site. Teletrac submits that removing this restriction would be in the public interest because it would permit grandfathered multilateration LMS operators to improve the efficiency of their systems. The Commission is not persuaded that Teletrac has raised any new arguments to justify its further reconsideration of this rule. The Commission notes that it has granted Teletrac waivers of this rule with respect to three specific sites.

44. Teletrac also urges the Commission to clarify that the part 15 safe harbor only applies to part 15 operations authorized pursuant to the part 15 rules in effect at the time the safe harbor rule was adopted. Teletrac submits that the presumption of non-interference in the safe harbor rule assumes that the part 15 rules as they existed when the safe harbor rule was adopted will remain in place. Teletrac notes that the Commission has proposed changes to the rules. Since the time Teletrac raised this point, the Commission has adopted changes to the part 15 rules. The Commission does not believe that the modified rules conflict with the safe harbor. Amendment of parts 2 and 15 of the Commission's Rules Regarding Spread Spectrum Transmitters, *Report and Order*, ET Docket 96–8, 62 FR 26239 (May 13, 1997). To the extent Teletrac continues to have concerns that the new rules are incompatible with the safe harbor, it should detail those concerns with the Commission.

II. Procedural Matters

Ex Parte Rules—Non-Restricted Proceeding

45. This is a non-restricted notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission Rules. See generally 47 CFR 1.1202, 1.1203, 1.1206.

Final Regulatory Flexibility Analysis

46. The Final Regulatory Flexibility Analysis for this *Memorandum Opinion and Order*, as required by section 604 of the Regulatory Flexibility Act of 1980, 5 U.S.C. §§ 604, is as follows:

Need For and Purpose of the Action

47. The revised rules adopted in this *Memorandum Opinion and Order* will enhance use of the 902–928 MHz band

for the Location and Monitoring Service. The revised rules will create a more stable environment for LMS licensees and will provide much needed flexibility for operators of such systems. The two changes made to the LMS rules in this item (1) change the basis for wide-area licensing of LMS systems to EAs rather than MTAs, and (2) add schools, libraries and rural health care providers to the list of entities exempt from the antenna height and operating power requirements of the part 15 safe harbor.

48. *Issues raised in response to the IRFA:* No comments were submitted in response to the IRFA.

49. *Description and number of small entities involved:* The Commission has not adopted a definition of small business specific to LMS systems, which are defined in § 90.7 of the Commission's Rules. Accordingly, we will use the SBA's definition applicable to radiotelephone companies, *i.e.*, an entity employing fewer than 1,500 persons. We anticipate that most LMS licensees will fit the definition of small business provided by the SBA. No auctions have been held for the LMS service.

The Commission expects to award three licenses in each of 176 EAs or EA-like areas, for a total of 528 licenses.

50. *Reporting, recordkeeping and other compliance requirements:* The rules adopted in this do not impose any additional reporting, recordkeeping, or other compliance requirements.

51. *Steps taken to minimize burdens on small entities:* This *Memorandum Opinion and Order* concludes that the relevant geographic areas for multilateration LMS licenses should be based on U.S. Department of Commerce Bureau of Economic Analysis Economic Areas (EAs) rather than Major Trading Areas (MTAs). The record indicates that existing and planned multilateration systems better approximate an EA than the geographically larger MTA. Use of smaller geographic units could ultimately result in a more diverse group of prospective bidders by creating more opportunities for small businesses. The *Memorandum Opinion and Order* also modifies the "part 15 safe harbor" by expanding the list of entities exempt from applicable height and power restrictions, to include health care providers in rural areas, schools and libraries. In many instances, the rooftop antennas of these entities would not fit within the parameters of the safe harbor. The record of this proceeding indicates that such institutions use part 15 technology as a low-cost means to connect to the Internet and other valuable on-line resources; this rule

change would facilitate their ability to do so without raising concerns about interference to LMS providers in the same area.

52. *Significant alternatives considered and rejected:* The *Memorandum Opinion and Order* considers the remaining issues raised in petitions for reconsideration of the *Report and Order* in PR Docket No. 93-61 that established licensing and operational rules for the Location and Monitoring Services (LMS). An *Order on Reconsideration* adopted in March 1996 resolved a limited set of issues relating to rights and obligations of existing multilateration LMS licensees. This *Memorandum Opinion and Order* resolves the remaining issues raised by petitioners. The *Memorandum and Order* concludes that restrictions on the ability of multilateration LMS licensees to offer interconnected service should be maintained to minimize interference between LMS and part 15 and amateur operations. The *Memorandum Opinion and Order* also denies requests that antenna height and power limitations for non-multilateration operators be either relaxed or further restricted, and denies a request that we adopt a blanket authorization procedure for extensive non-multilateration LMS systems licensed to local government or public safety eligibles.

53. In addition, the *Memorandum Opinion and Order* denies requests to modify the "safe harbor" provisions for part 15 devices and amateur operators, and denies requests to extend the definition of the safe harbor to apply to claims of interference by non-multilateration systems. The *Memorandum Opinion and Order* does, however, adopt a rule provision specifically including schools, libraries and rural health care providers within the safe harbor regardless of their antenna height and operating power. The item also denies requests to change the band plan for LMS, but does conclude that multilateration LMS systems will be licensed on an EA basis rather than an MTA basis. Finally, the *Memorandum Opinion and Order* denies requests that wideband forward links be prohibited.

54. *Report to Congress:* The Commission shall send a copy of this Final Regulatory Flexibility Analysis with this *Memorandum Opinion and Order* in a report to Congress pursuant to section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. § 801(a)(1)(A).

55. *Paperwork Reduction.* This matter has been analyzed with respect to the Paperwork Reduction Act of 1995 and was found to impose no new or

modified information collection requirement on the public. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget, as prescribed by the Act.

III. Ordering Clauses

56. It is ordered that, pursuant to the authority of Sections 4(i), 302, 303(r), and 332(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 302, 303(r), and 332(a), the rule changes specified in this *Memorandum Opinion and Order* are adopted.

57. *It is further ordered* that the rule changes set forth in this *Memorandum Opinion & Order* will become effective December 5, 1997.

58. It is further ordered that the petitions for reconsideration filed by the parties listed in the original text of the *Memorandum Opinion & Order* are granted to the extent discussed herein, and are otherwise denied.

59. It is further ordered that the petitions for reconsideration of the *Order on Reconsideration* filed by Pinpoint Communication Networks, Inc. and Teletrac License, Inc., are denied.

60. It is further ordered that the petition for reconsideration of the *Order on Reconsideration* filed by Amtech Corporation is granted to the extent specified herein and is otherwise denied.

List of Subjects in 47 CFR Part 90

Common carriers, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Rule Changes

Part 90 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

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

Authority: Secs. 4, 251-2, 303, 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 251-2, 303, 309 and 332, unless otherwise noted.

2. The heading for subpart M of part 90 is revised to read "Intelligent Transportation Systems Radio Service."

3. Section 90.7 is amended by revising the definition for "EA-based or EA license" to read as follows:

§ 90.7 Definitions.

* * * * *

EA-based or EA license. A license authorizing the right to use a specified block of SMR or LMS spectrum within one of the 175 Economic Areas (EAs) as defined by the Department of Commerce Bureau of Economic Analysis. The EA Listings and the EA Map are available for public inspection at the Wireless Telecommunications Bureau's public reference room, Room 5608, 2025 M Street, NW, Washington, DC 20554 and Office of Operations—Gettysburg, 1270 Fairfield Road, Gettysburg, PA 17325.

* * * * *

4. Section 90.155 is amended by revising paragraph (d) to read as follows:

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

* * * * *

(d) Multilateration LMS systems authorized in accordance with Section 90.353 must be constructed and placed in operation within twelve (12) months from the date of grant or the authorization cancels automatically and must be returned to the Commission. EA-licensed multilateration LMS systems will be considered constructed and placed in operation if such systems construct a sufficient number of base stations that utilize multilateration technology (see paragraph (e) of this section) to provide multilateration location service to at least 1/3 of the counties in the EA.

* * * * *

5. Section 90.210 is amended by revising paragraph (k)(3) and adding paragraph (k)(6) to read as follows:

§ 90.210 Emission masks.

* * * * *

(k) * * *

(3) *Other transmitters.* For all other transmitters authorized under Subpart M, the peak power of any emission shall be attenuated below the power of the highest emission contained within the licensee's LMS sub-band in accordance with the following schedule:

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

(ii) On any frequency outside the licensee's LMS sub-band edges: $55 + 10 \log(P)$ dB where (P) is the highest emission (watts) of the transmitter inside the licensee's LMS sub-band.

* * * * *

(6) The LMS sub-band edges for non-multilateration systems for which emissions must be attenuated are 902.00, 904.00, 909.5 and 921.75 MHz.

§ 90.350 [Amended]

6. Section 90.350 is amended by replacing the two occurrences of the phrase "Transportation Infrastructure

Radio Service" with "Intelligent Transportation Systems Radio Service."

7. Section 90.353 is amended by revising paragraphs (d), (e) and (f) and by adding paragraph (i) to read as follows:

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

* * * * *

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

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

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

* * * * *

(i) Non-multilateration LMS licenses will be issued on a site-by-site basis, except that municipalities or other governmental operatives may file jointly for a non-multilateration license covering a given U.S. Department of Commerce Bureau of Economic Analysis Economic Area (EA). Such an application must identify all planned sites. After receiving the license, the non-multilateration EA licensee must notify the Commission if sites are deleted or if new sites are added, before those sites may be put into operation.

8. Section 90.359 is revised to read as follows:

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

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

9. Section 90.361 is amended by revising the introductory text and paragraph (c)(2)(ii)(B) to read as follows:

§ 90.361 Interference from part 15 and Amateur operations.

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

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(B) Is providing the final link for communications of entities eligible under subpart B or C of this Part, or is providing the final link for communications of health care providers that serve rural areas, elementary schools, secondary schools or libraries.

[FR Doc. 97–26415 Filed 10–3–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. 97–038; Notice 02]

RIN 2127–AG71

Final Listing of High-Theft Lines for 1998 Model Year; Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; correction.

SUMMARY: This document corrects errors in the final listing of high-theft lines for the 1998 Model Year (MY), that was published on July 31, 1997 (62 FR 40949) by incorporating information that manufacturers brought to the agency's attention subsequent to the final listing. In the amended list in this document, one Honda line, the Civic, is removed from Appendix A; errors in the name of two Nissan lines, the Sentra /200SX and the Infiniti I30 are corrected; and an error in the vehicle class of one Subaru line, the Forester, is corrected.