

(b) The Corporation will credit any refund received for an individual under paragraph (a) of this section to the individual's education award allocation in the National Service Trust.

1. Revise part 2529 to read as follows:

#### **PART 2529—PAYMENT OF ACCRUED INTEREST**

Sec.

2529.10 Under what circumstances will the Corporation pay interest that accrues on qualified student loans during an individual's term of service in an approved AmeriCorps position?

2529.20 What steps are necessary to obtain forbearance in the repayment of a qualified student loan during an individual's term of service in an approved AmeriCorps position?

2529.30 What steps are necessary for using funds in the National Service Trust to pay interest that has accrued on a qualified student loan during a term of service for which the individual has obtained forbearance?

**Authority:** 42 U.S.C. 12601–12604.

**§ 2529.10 Under what circumstances will the Corporation pay interest that accrues on qualified student loans during an individual's term of service in an approved AmeriCorps position?**

(a) *Eligibility.* The Corporation will pay interest that accrues on an individual's qualified student loan, subject to the limitation on amount in paragraph (b) of this section, if—

- (1) The individual successfully completes a term of service in an approved AmeriCorps position; and
- (2) The holder of the loan approves the individual's request for forbearance during the term of service.

(b) *Amount.* The percentage of accrued interest that the Corporation will pay is the lesser of—

- (1) The product of—
  - (i) The number of hours of service completed divided by the number of days for which forbearance was granted; and
  - (ii) 365 divided by 17; and (2) 100.

(c) *Supplemental to education award.* A payment of accrued interest under this part is supplemental to an education award received by an individual under parts 2526 through 2528 of this chapter.

(d) *Limitation.* The Corporation is not responsible for the repayment of any accrued interest in excess of the amount determined in accordance with paragraph (b) of this section.

(e) *Suspended service.* The Corporation will not pay any interest expenses that accrue on an individual's qualified student loan during a period of suspended service.

**§ 2529.20 What steps are necessary to obtain forbearance in the repayment of a qualified student loan during an individual's term of service in an approved AmeriCorps position?**

(a) An individual seeking forbearance must submit a request to the holder of the loan.

(b) If, before approving a request for forbearance, the holder of the loan requires verification that the individual is serving in an approved AmeriCorps position, the Corporation will provide verification upon a request from the individual or the holder of the loan.

**§ 2529.30 What steps are necessary for using funds in the National Service Trust to pay interest that has accrued on a qualified student loan during a term of service for which an individual has obtained forbearance?**

(a) The Corporation will make payments from the National Service Trust for interest that has accrued on a qualified student loan during a term of service which the individual has successfully completed and for which an individual has obtained forbearance, after the following:

(1) The program verifies that the individual has successfully completed the term of service and the dates upon which the term of service began and ended;

(2) The holder of the loan verifies the amount of interest that has accrued during the term of service.

(b) When the Corporation receives all necessary information from the program and the holder of the loan, the Corporation will pay the holder of the loan and notify the individual of the payment.

Dated: June 28, 1999.

**Wendy Zenker,**

*Chief Operating Officer.*

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#### **FEDERAL COMMUNICATIONS COMMISSION**

##### **47 CFR Part 18**

[ET Docket No. 98–42, FCC 99–135]

##### **Regulations for RF Lighting Devices**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Commission's rules for radio frequency (RF) lighting devices. This action seeks to eliminate unnecessary regulations and to support the introduction of new and beneficial products while ensuring

that radio communications services are protected from interference.

Accordingly, we are relaxing the line-conducted emission limits below 30 MHz for new consumer RF lighting devices.

**DATES:** Effective October 13, 1999.

**FOR FURTHER INFORMATION CONTACT:** Anthony Serafini, Office of Engineering and Technology, (202) 418–2456.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, ET Docket 98–76, FCC 99–58, adopted June 9, 1999, and released June 16, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (TW–A257), 445 12th Street, S.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, 445 12th Street, S.W., Room CY–B400, Washington, D.C. 20554.

##### **Summary of the Report and Order**

1. The *Report and Order* amends Part 18 of the Commission's rules for radio frequency (RF) lighting devices. Recent developments and advances in RF lighting technology offer potential economic and environmental benefits for consumers and industry. The current Commission rules, however, do not easily accommodate these technological advancements and thus hinder the further development and implementation of these new products. This action eliminates unnecessary regulations and supports the introduction of new and beneficial products while ensuring that radio communications services are protected from interference. Accordingly, we are relaxing the line-conducted emission limits below 30 MHz for new consumer RF lighting devices.

2. On April 1, 1998, the Commission adopted a *Notice of Proposed Rulemaking (Notice)* 63 FR 20363, April 24, 1998, that proposed rules to accommodate a new generation of RF lighting devices. These new devices offer potential benefits for both consumer and non-consumer users. General Electric (GE) developed a new Electrodeless Fluorescent Lamp (EFL) for typical low power consumer applications such as in-home lighting. The GE lamp is designed to operate in the 2.2–2.8 MHz band. GE claims that its new lamp is more efficient and longer-lasting than incandescent consumer bulbs, and is an improvement over existing low frequency RF lights known as Compact Fluorescent Lamps (CFL). Unlike current RF lighting lamps,

EFLs are nearly identical in size and shape to incandescent bulbs. GE reports that a new 23-watt EFL will provide light similar to a 75-watt standard incandescent bulb and is expected to last two or three times longer than present lamps that use electrodes. GE estimates that, if 10% of consumer lamps were replaced with EFL technology, energy consumption in the United States would be reduced by nearly 1 billion kilowatt hours, saving consumers approximately \$1.4 billion each year. The lamp cannot meet the current FCC line-conducted emission limits for consumer RF lighting devices without the addition of filters which would significantly increase costs and would impede market acceptance. In 1995 the Commission granted GE a waiver to begin marketing the lamp under relaxed line-conducted emissions limits in the 2.2–2.8 MHz band. In the *Notice*, the Commission proposed to codify the relaxed line-conducted emission limits.

3. The Commission proposed to relax the consumer line-conducted emission limits in Section 18.307(c) by 22 dB in the 2.2–2.8 MHz band, to the existing non-consumer limit of 3000 microvolts. This proposal was consistent with the waiver granted to GE. The 2.2–2.8 MHz band is allocated to several Government and Non-Government communications services, including aviation, international fixed public, maritime, private land mobile, Government fixed and mobile, and standard frequency and time transmissions. Operations on these frequencies include, among others, Civil Air Patrol, ship to shore communications, broadcast auxiliary, local government and police operations. GE had performed analyses showing that there would be little risk of interference to these services if the line-conducted emissions limits were relaxed. GE marketed several hundred thousand EFLs under the waiver, with no reported incidents of interference to communications services.

4. We believe that it is appropriate to relax the line conducted limits to facilitate the use of this new technology. GE has demonstrated through experience gained under its waiver that the proposed relaxation of the line conducted limits does not pose any significant risk of causing interference to radio communications services. We find no evidence in the record to support argument that the proposed relaxation of the line-conducted limit could increase spurious emissions due to interactions with other products. Further, we find no basis for the argument that the proposed relaxation could lead to increased harmonic

emissions in other frequency bands because the Commission proposed no changes to the existing line-conducted and radiated emissions limits that apply to harmonic and spurious emissions outside the proposed frequency band.

5. We also believe that the frequency range for the rule relaxation should be changed to be consistent with international standards. We believe that harmonization with the frequency band used internationally will promote trade and reduce product costs. Accordingly, we are relaxing the consumer line-conducted emission limit in Section 18.307(c) by 22 dB to 3000 microvolts in the 2.51–3.0 MHz band, as proposed.

6. *Labelling.* The terms of the GE waiver required that an advisory label be placed on the product packaging warning of possible interference to maritime operations. In the *Notice*, we asked for comment on whether to continue to require this advisory label and whether a similar label should be required for all RF lighting devices. Commenters recommend requiring a label for RF lighting devices to warn users about potential interference to communication services.

7. We believe that an advisory label is appropriate to further ensure that RF lighting devices are not used in close proximity to critical navigation and communications equipment. Accordingly, we are requiring manufacturers of RF lighting devices to provide an advisory statement, either on the product packaging or with other user documentation, similar to the following: "This product may cause interference to radio communications and should not be installed near maritime safety communications equipment or other critical navigation or communication equipment operating between 0.45–30 MHz." Variations of this language are permitted provided all the points of the statement are addressed.

8. *Transient Emissions.* In the *Notice*, we invited comment as to whether any requirements may be necessary to address transient emissions that can occur when RF lighting devices are turned on and off. We find that requirements for transient emissions are unnecessary. The limited potential for added interference does not warrant additional regulations. Accordingly, we choose not to adopt any requirements for transient emissions.

9. *It is ordered* that Part 18 of the Commission's Rules and Regulations *is amended* as specified and will be effective October 13, 1999 in order to allow sufficient time for the Paperwork Reduction Act requirements due to the new labelling regulations. The proposed

action is authorized under Sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307.

#### Final Regulatory Flexibility Analysis

10. As required by the Regulatory Flexibility Act (RFA),<sup>1</sup> the Commission prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected significant economic impact on small entities by the policies and rules proposed in the Notice of Proposed Rule Making ("Notice"). Written public comments were requested on the IRFA. The Final Regulatory Flexibility Analysis (FRFA) in this Report and Order conforms to the RFA.

#### Need for and Objective of the Rules

11. This rule making proceeding was initiated to obtain comment regarding proposals to change the regulations for RF lighting. Recent developments and advances in RF lighting technology offer potential economic and environmental benefits for consumers and industry. The current Commission rules, however, do not easily accommodate these technological advancements and thus hinder the further development and implementation of these promising new products. This action seeks to relax the Part 18 regulations to accommodate new and beneficial products while ensuring that other important communications services continue to be protected from interference. This action will potentially benefit all entities using RF lighting technologies, including small entities.

#### Summary of Significant Issues Raised by Public Comments in Response to the IRFA

12. No commenting parties raised issues specifically in response to the IRFA.

#### Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

13. The RFA generally defines a "small entity" as having the same meaning as the terms "small business," "small organization," and "small government jurisdiction."<sup>2</sup> In addition, the term "small business" is the same meaning as the term "small business

<sup>1</sup> See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>2</sup> See 5 U.S.C. 601(6).

concern" under the Small Business Act ("SBA"), 15 U.S.C. 632, unless the Commission has developed one or more definitions that are appropriate to its activities.<sup>3</sup> Under the SBA, a "small business concern" is one that (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any individual criteria established by the Small Business Administration (SBA).<sup>4</sup>

14. The Commission has not developed a definition of small entities applicable to RF Lighting Devices. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules applicable to Communications Services, Not Elsewhere Classified. This definition provides that a small entity is one with \$11.0 million or less in annual receipts.<sup>5</sup> According to Census Bureau data, there are 848 firms that fall under the category of Communications Services, Not Elsewhere Classified. Of those, approximately 775 reported annual receipts of \$11 million or less and qualify as small entities.

#### Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

15. Under Part 18 of the FCC rules, consumer ISM equipment must be approved under the FCC certification process and non-consumer equipment is subject to verification. No changes are being made to the testing and approval process requirements for RF lighting product.

#### Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

16. The new rules adopted in this *Report and Order* are intended to support the further development and implementation of new RF lighting products. These actions will benefit all RF lighting manufacturers, including small entities.

17. U.S. manufacturers have developed new RF lighting technologies that offer potential economic and environmental benefits to consumers and industry. General Electric (GE) has developed an Electrodeless Fluorescent Lamp (EFL) that operates between 2.2–2.8 MHz. This is a more efficient, longer lasting consumer lamp that is an alternative to normal incandescent light bulbs. EFL lamps represent a new generation of technology beyond the

existing low frequency RF lights known as Compact Fluorescent Lamps (CFL), which are limited in their applications due to their non-traditional design using curved tubing. EFL lamps are nearly identical in size and shape to incandescent bulbs and therefore, are expected to have greater consumer applications and acceptance over CFL lamps.

18. The existing RF lighting rules were adopted many years ago for products operating at relatively low frequencies and do not easily accommodate new state-of-the-art RF lighting technologies. We are modifying our rules to accommodate these new technologies to the extent possible while still ensuring that communications services are protected from harmful interference.

#### Report to Congress

19. The Commission shall send a copy of this Final Regulatory Flexibility Analysis, along with this Report and Order, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A). A copy of this FRFA will also be published in the **Federal Register**, see 5 U.S.C. 604(b), and will be sent to the Chief Counsel for Advocacy of the Small Business Administration.

#### List of Subjects in 47 CFR Part 18

Business and industry, Household appliances, Radio, Report and recordkeeping requirements.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

#### Rule Changes

For the reasons discussed in the preamble, Part 18 of the Code of Federal Regulations, is amended as follows:

#### PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

1. The authority citation for Part 18 continues to read as follows:

**Authority:** 47 U.S.C. Sec. 4, 301, 302, 303, 304 and 307.

2. Section 18.213, paragraph (d) is added to read as follows:

#### § 18.213 Information to the user.

\* \* \* \* \*

(d) Manufacturers of RF lighting devices must provide an advisory statement, either on the product packaging or with other user documentation, similar to the following: This product may cause interference to radio equipment and should not be installed near maritime safety communications equipment or other

critical navigation or communication equipment operating between 0.45–30 MHz. Variations of this language are permitted provided all the points of the statement are addressed and may be presented in any legible font or text style.

3. Section 18.307(c) is revised to read as follows:

#### § 18.307 Conduction Limits.

\* \* \* \* \*

(c) RF lighting devices:

Frequency (MHz)	Maximum RF line voltage measured with a 50 uH/50 ohm LISN (uV)
Non-consumer equipment:	
0.45 to 1.6 .....	1,000
1.6 to 30 .....	3,000
Consumer equipment:	
0.45 to 2.51 .....	250
2.51 to 3.0 .....	3,000
3.0 to 30 .....	250

\* \* \* \* \*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018–AF36

#### Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Cactus Ferruginous Pygmy-owl (*Glaucidium brasilianum cactorum*)

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), designate critical habitat pursuant to the Endangered Species Act of 1973, as amended (Act), for the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*). A total of approximately 296,240 hectares (731,712 acres) of riverine riparian and upland habitat are designated. Critical habitat is located in Pima, Cochise, Pinal, and Maricopa counties, Arizona. Section 7 of the Act prohibits destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. As required by section 4 of the Act, the Service considered economic and other relevant impacts

<sup>3</sup> 5 U.S.C. 601(3) (incorporating by reference the definition of "small business concern" in 5 U.S.C. 632).

<sup>4</sup> 15 U.S.C. 632.

<sup>5</sup> 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4899.