

(*R*)- $\alpha$ -cyano-3-phenoxybenzyl-(*Z*)-(1*S*,3*S*)-3-(2-chloro-3,3,3 trifluoroprop-1-enyl)- 2,2-dimethylcyclopropanecarboxylate and its epimer, a 1:1 mixture of (*S*)- $\alpha$ -cyano-3-phenoxybenzyl-(*Z*)-(1*S*,3*S*)-3-(2-chloro-3,3,3 trifluoroprop-1-enyl)- 2,2-dimethylcyclopropanecarboxylate and (*R*)- $\alpha$ -cyano- 3-phenoxybenzyl-(*Z*)-(1*R*,3*R*)-3-(2-chloro-3,3,3 trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate in tomato pomace (dry, wet) resulting from application of the insecticide to tomatoes.

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BILLING CODE 6560-50-F

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2, 80, and 97

[ET Docket No. 93-40; FCC 95-113]

### Allocation of the 219-220 MHz Band for Use by the Amateur Radio Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** By this Report and Order (Order), the Commission establishes regulations for amateur point-to-point fixed digital message forwarding systems, including intercity packet backbone networks. This action provides the Amateur Radio Service use of the 219-220 MHz band on a secondary basis.

**EFFECTIVE DATE:** April 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Thomas P. Derenge, (202) 776-1621, Office of Engineering and Technology, Federal Communications Commission, Washington, DC 20554.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order adopted March 14, 1995, and released March 17, 1995. A Summary of the Notice of Proposed Rule Making initiating this proceeding may be found at 58 FR 17180 (April 1, 1993). This action will not add to or decrease the public reporting burden. The full text of the Commission decision is available for inspection and copying during regular business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision also may be purchased from the Commission's duplication contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

## Summary of Order

The Order adopts rules that include a spectrum allocation on a secondary basis, safeguards to protect other services from interference, and technical standards for amateur operations in the 219-220 MHz band. This action is expected to provide spectrum to the amateur radio service for point-to-point fixed digital message forwarding systems, including intercity packet backbone networks. The spectrum is needed to alleviate frequency congestion that amateurs are experiencing in certain areas of the country in the 222-225 MHz band and to facilitate establishment of regional and nationwide backbone networks for amateur packet communications. These networks could also be used for emergency preparedness and national defense communications. Amateur may also use this spectrum to develop and experiment with new technologies to further the radio art. Additionally, the rules adopted should prevent harmful interference to the primary services on and adjacent to the 219-220 MHz band.

2. Specifically, in the Order the Commission allocated ten 100 kilohertz channels from 219 MHz to 220 MHz. Amateur operations at 219-220 MHz are authorized to operate at powers up to 50 watts (PEP) without data rate limitations. This band is restricted to amateurs holding Technician or higher class licenses.

3. The secondary status of the allocation prohibits amateur operations from causing interference to primary services. However, it does not protect secondary amateur operations from interference. The Order also protects Automated Maritime Telecommunications Service (AMTS) by requiring amateurs to notify AMTS licenses 30 days prior to initiation of operations if the amateur operation is within 640 kilometers of an AMTS base station. Additionally, amateur stations within 80 kilometers of an AMTS base station must obtain written approval from the AMTS licensee prior to operating in the 219-220 MHz band.

4. Amateurs wishing to utilize the 219-220 MHz band must notify the American Radio Relay League (ARRL) 30 days prior to institution of operation. The ARRL will maintain a database of all amateur and AMTS operations in the 219-220 MHz band. Therefore, the ARRL database would serve as a nationwide point of contact to provide coordination information and to aid in investigation of interference problems, in the unlikely event such problems occur. Amateur operators are

encouraged to seek coordination assistance from a local amateur coordinator.

5. Ordering Clauses. Accordingly, it is ordered, that the American Radio Relay League, Inc. is designated as the national contact point for all amateur operations in the 219-220 MHz band and is responsible for maintaining a database of all amateur operations in the 219-220 MHz band as well as any other primary service operating in that band.

6. Further, it is ordered, that Parts 2, 80, and 97 of the Commission's rules ARE AMENDED as specified below, effective April 26, 1995. This action is taken pursuant to Sections 4(i), 7(a), 302, 303(c), 303(f), 303(g), 303(r), and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157(a), 302, 303(c), 303(f), 303(g), and 303(r).

## List of Subjects

### 47 CFR Part 2

Radio.

### 47 CFR Part 80

Radio, Vessels.

### 47 CFR Part 97

Radio, Civil defense, Reporting and recordkeeping requirements, Volunteers.

Federal Communications Commission.

**William F. Caton,**  
*Acting Secretary.*

## Amendatory Text

Parts 2, 80, and 97 of chapter I of title 47 of the Code of Federal Regulation are amended as follows:

## PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation in part 2 continues to read:

**Authority:** Sec.4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303, and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

a. In the 216-220 MHz band, columns 4 through 6 in the United States table are revised:

b. Non-Government footnote NG152 is added:

### § 2.106 Table of Frequency Allocations.

\* \* \* \* \*

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government Allocation MHz	Non-government Allocation MHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
			216–220 MARI- TIME MOBILE. Aeronautical-Mo- bile. Fixed. Land Mobile. Radio- location. 627, US210, US229, US274, US317, G2.	216–220 MARI- TIME MOBILE. Aeronautical-Mo- bile. Fixed. Land Mobile. 627, US210, US229, US274, US317, NG152.	MARITIME (80). Private Land Mobile (90). Per- sonal Radio Service (95). Amateur (97).	
*	*	*	*	*	*	*

\* \* \* \* \*

**Non-Government (NG) Footnotes**

\* \* \* \* \*

NG152 The band 219–220 MHz is also allocated to the amateur service on a secondary basis for stations participating, as forwarding stations, in point-to-point fixed digital message forwarding systems, including intercity packet backbone networks.

\* \* \* \* \*

**PART 80—STATIONS IN THE MARITIME SERVICES**

1. The authority citation for part 80 continues to read as follows:

**Authority:** Sec. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.385 is amended by adding a new paragraph (a)(3) to read as follows:

**§ 80.385 Frequencies for automated systems.**

\* \* \* \* \*

(a) \* \* \*

(3) Channels in the 219–220 MHz band are also used on a secondary, non-interference basis by amateur stations participating in digital message forwarding systems. Amateur stations may not cause harmful interference to AMTS operations and must accept any harmful interference from AMTS operation. Amateur stations within 80 km (50 miles) of an AMTS coast station must obtain written approval from the AMTS licensee prior to operating in the 219–220 MHz band. Amateur stations within 640 km (398 miles) of an AMTS coast station must notify the AMTS licensee in writing at least 30 days prior to initiation of operations in the 219–220 MHz band. All amateur stations must notify the American Radio Relay League in writing at least 30 days prior to initiation of operations in the 219–220 MHz band (ARRL, 225 Main St., Newington, CT 06111–1494).

\* \* \* \* \*

**PART 97—AMATEUR RADIO SERVICE**

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

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

2. Section 97.201(b) is revised to read as follows:

**§ 97.201 Auxiliary station.**

\* \* \* \* \*

(b) An auxiliary station may transmit only on the 1.25 m and shorter wavelength bands, except the 219–220 MHz, 222.000–222.150 MHz, 431–433 MHz, and 435–438 MHz segments.

\* \* \* \* \*

3. Section 97.301(a) is amended by revising the third entry in the VHF Wavelength band to read as follows:

**§ 97.301 Authorized frequency bands.**

\* \* \* \* \*

(a) \* \* \*

Wavelength band		ITU region 1	ITU region 2	ITU region 3	Sharing re- quirements see § 97.303 (paragraph)
VHF		MHz	MHz	MHz	
*	*	*	*	*	*
1.25 m	.....	.....	219–220	.....	(a), (e).
Do	.....	.....	222–225	.....	(a).
*	*	*	*	*	*

\* \* \* \* \*

4. Section 97.303(e) is added to read as follows:

**§ 97.303 Frequency sharing requirements.**

\* \* \* \* \*

(e) In the 1.25 m band:

(1) Use of the 219–220 MHz segment is limited to amateur stations participating, as forwarding stations, in point-to-point fixed digital message forwarding systems, including intercity packet backbone networks. It is not available for other purposes.

(2) No amateur station transmitting in the 219–220 MHz segment shall cause harmful interference to, nor is protected from interference due to operation of Automated Maritime Telecommunications Systems (AMTS), television broadcasting on channels 11 and 13, Interactive Video and Data

Service systems, Land Mobile Services systems, or any other service having a primary allocation in or adjacent to the band.

(3) No amateur station may transmit in the 219–220 MHz segment unless the licensee has given written notification of the station's specific geographic location for such transmissions in order to be incorporated into a data base that has been made available to the public. The notification must be given at least 30 days prior to making such transmissions. The notification must be given to: The American Radio Relay, Inc., 225 Main Street, Newington, CT 06111–1494.

(4) No amateur station may transmit in the 219–220 MHz segment from a location that is within 640 km of an AMTS Coast Station unless the amateur station licensee has given written notification of the station's specific geographic location for such transmissions to the AMTS licensee. The notification must be given at least 30 days prior to making such transmissions. AMTS Coast Station locations may be obtained either from: The American Radio Relay, Inc., 225 Main Street, Newington, CT 06111–1494 or Interactive Systems, Inc., Suite 1103, 1601 North Kent Street, Arlington, VA

22209, Fax: (703) 812–8275, Phone (703) 812–8270.

(5) No amateur station may transmit in the 219–220 MHz segment from a location that is within 80 km of an AMTS Coast Station unless the amateur station licensee holds written approval from that AMTS licensee.

\* \* \* \* \*

5. The table in Section 97.305(c) is amended by revising the third entry in the VHF wavelength band to read as follows:

**§ 97.305 Authorized emission types.**

\* \* \* \* \*

(c) \* \* \*

Wavelength band	Frequencies	Emission types authorized	Standards see § 97.307(f), paragraph
* * * * *	* * * * *	* * * * *	* * * * *
1.25 m .....	219–220 MHz .....	Data .....	(13).
Do .....	222–225 MHz .....	MCW, phone, image, RTTY, data, test.	(2), (6), (8).
* * * * *	* * * * *	* * * * *	* * * * *

6. Section 97.307(f)(13) is added to read as follows:

**§ 97.307 Emission standards.**

\* \* \* \* \*

(f) \* \* \*

(13) A data emission using an unspecified digital code under the limitations listed in § 97.309(b) also may be transmitted. The authorized bandwidth is 100 kHz.

7. Section 97.313(h) is added to read as follows:

**§ 97.313 Transmitter power standards.**

\* \* \* \* \*

(h) No station may transmit with a transmitter power exceeding 50 W PEP on the 219–220 MHz segment of the 1.25 m band.

[FR Doc. 95–7296 Filed 3–24–95; 8:45 am]

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**47 CFR Part 73**

[MM Docket No. 91–221, FCC 95–97]

**Broadcast Services; Television Station Ownership**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission eliminates two of its television network rules, the “network station ownership” rule, and the “secondary affiliation” rule. This action is taken because a review of the record in this proceeding indicates that

changes in the television marketplace have rendered these rules obsolete. Thus, the action is taken to ensure that the Commission's rules are as current and effective as possible.

**EFFECTIVE DATE:** April 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dan Bring, Mass Media Bureau, (202) 739–0770, or Roger Holberg, Mass Media Bureau, (202) 776–1653.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Report and Order in MM Docket No. 91–221, FCC 95–97, adopted March 7, 1995, and released March 7, 1995. The complete text of this Report and Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

**Synopsis of the Report and Order**

1. The Commission eliminates two of its network rules, 47 CFR § 73.658(f), the “network station ownership” rule, and § 73.658(1), the “secondary affiliation” rule. The network station ownership rule prohibits network ownership of television broadcast stations in markets that have so few stations, or stations of such unequal desirability that “competition would be substantially restrained” by permitting network ownership. The secondary affiliation

rule limits secondary network affiliations in markets where two stations have affiliated with two of the three “traditional” networks, and there is at least one independent station with comparable facilities. In these circumstances, § 73.658(1) requires a third network seeking an affiliate in the market to offer its programming first to the independent station.

2. The Notice of Inquiry in this proceeding (56 FR 40847, August 16, 1991) sought comment on the implications of the growth of competition in the video marketplace for the Commission's regulatory policies. The Notice of Proposed Rule Making in this proceeding (57 FR 28163, June 24, 1992) sought comments on several long-standing structural rules that have governed the television industry, proposed alternative means of lessening the regulatory burden on the television broadcasting industry, and proposed repeal of the dual network rule 47 CFR 73.658(g), the network station ownership rule, and the secondary affiliation rule. Based on the record in this proceeding, this Report and Order eliminated the network station ownership rule and the secondary affiliation rule.

3. The network station ownership rule was intended to increase the availability of programming to viewers, prevent domination of smaller markets by networks, and encourage the creation and growth of new networks by preventing existing networks from