Environment and Natural Resources to EPA.

3. A new § 52.2183 is added as follows:

§ 52.2183 Variance provision.

The revisions to the variance provisions in Chapter 74:26:01:31.01 of the South Dakota Air Pollution Control Program, which were submitted by the Governor's designee on September 25, 1991, are disapproved because they are inconsistent with section 110(i) of the Clean Air Act, which prohibits any state or EPA from granting a variance from any requirement of an applicable implementation plan with respect to a stationary source.

[FR Doc. 93-16467 Filed 7-9-93; 8:45 am]

BILLING CODE 6560-50-P

---

40 CFR Part 52

[WA 2-1-5407; FRL-4676-1]

Approval and Promulgation of Designation of Areas for Air Quality Planning Purposes; Washington

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Environmental Protection Agency (EPA) is approving the revisions to the State of Washington Implementation Plans which were submitted on May 14, 1991 by the Washington Department of Ecology (WDOE). The purpose of these revisions is to bring about attainment of the national ambient air quality standards for volatile organic compound emissions from stationary sources in ozone nonattainment areas in a timely manner, as required by the Clean Air Act. This action to approve this plan permits EPA the authority to enforce the adopted requirements.

EFFECTIVE DATE: September 10, 1993.

ADDRESSES: Written comments should by addressed to: Montel Livingston, SIP Manager, Air Programs Branch (AT-082), United States Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at: Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC. Copies of material submitted to EPA may be examined during normal business hours at the following locations: Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Air Programs Branch, Environmental Protection Agency, Docket #WA2-1-5407, 1200 Sixth Avenue (AT-082), Seattle, Washington 98101; Oregon Department of Environmental Quality, 811 S.W. Sixth, Portland, Oregon 97204.

FOR FURTHER INFORMATION CONTACT: Michael J. Lidgard, Air Programs Branch (AT-082), United States Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101, (206) 553-4233.

SUPPLEMENTARY INFORMATION:

I. Background

Sections 172(a)(2) and (b)(3) of the Clean Air Act of 1977 required sources of volatile organic compound (VOC) emissions to install, at a minimum, reasonably available control technology (RACT) in order to reduce emissions of this pollutant. EPA has defined RACT as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53761, September 17, 1979). EPA has developed Control Techniques Guidelines (CTG) for the purpose of informing state and local air pollution control agencies of air pollution control techniques available for reducing emissions of VOC from various categories of sources. Each CTG contains recommendations to the states of what EPA calls the "presumptive norm" for RACT. This general statement of Agency policy is based on EPA's evaluation of the capabilities and problems associated with control technologies currently used by facilities within individual source categories. EPA has recommended that the states adopt requirements consistent with the presumptive norm level.

On June 2, 1988, former EPA Regional Administrator Robie Russell notified Washington Department of Ecology (WDOE) by letter that the ozone State Implementation Plan (SIP) for nonattainment areas was substantially inadequate to provide for timely attainment of the national ambient air quality standards (NAAQS) under section 110(a)(2)(H) of the Clean Air Act. In that letter, EPA identified specific actions needed to correct deficiencies in WDOE regulations representing RACT for sources of VOC emissions.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A), Congress statutorily adopted the requirement that ozone nonattainment areas fix their deficient RACT rules for ozone. Areas designated nonattainment before enactment of the Amendments and which retained that designation and were classified as marginal or above as of enactment are required to meet the RACT fix-up requirement. Under section 182(a)(2)(A), those areas were required, by May 15, 1991, to correct RACT as it was required under pre-amended section 172(b) as that requirement was interpreted in pre-amendment guidance.[1] The SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas. The Vancouver part of the Portland, Oregon-Vancouver, Washington nonattainment area is classified as marginal.[2] Therefore, this area is subject to the RACT fix-up requirement and the May 15, 1991 deadline.

On May 14, 1991, WDOE submitted amendments to Washington Administrative Code (WAC) chapter 173-490, "Emission Standards and Controls for Sources Emitting Volatile Compounds," and WAC 173-400, "General Regulations for Air Pollution Sources," as revisions to the Washington SIP. This Notice is to propose approval of the amendments to chapter 173-490. The section below provides a brief summary of the changes in chapter 173-490.

A number of sections of chapter 173-400 are necessary to implement and enforce the standards of chapter 173-490. Parts of chapter 173-400 were revised specifically to address deficiencies raised in the EPA SIP call of 1988. Since chapter 173-400 applies to all pollutants and sources, it has been processed under a separate EPA action. However, the revisions to chapter 173-400, in part, address the deficiencies cited by EPA in Washington's VOC rules, and relevant revisions to the chapter 173-400 are also discussed below. Chapter 173-400 was approved on January 15, 1993 (58 FR 4578).

II. Today's Action

In this action, EPA is approving the revision to the Washington State Implementation Plan submitted on May 14, 1991 as an amendment. The revision

---

[1] Among other things, the pre-amendment guidance consists of the Post-87 policy, 52 FR 45044 (November 24, 1987); the Bluebook, "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (of which notice of availability was published in the **Federal Register** on May 25, 1988); and the existing CTGs.

[2] Vancouver, WA retained its designation of nonattainment and was classified by operation of law pursuant to section 107(d) and 181(a) upon enactment of the Amendments. 56 FR 56694.

HeinOnline -- 58 Fed. Reg. 37426 1993

for WAC chapter 173–490, "Emission Standards and Controls for Sources Emitting Volatile Compounds" meets all of the applicable requirements of the Act as determined by EPA.

III. Response to Comments

EPA received no comments on its April 19, 1993 (58 FR 21133–21135) **Federal Register** proposal of chapter 173–490 WAC "Emission Standards and Controls for Sources Emitting Volatile Compounds" as a revision.

IV. Administrative Review

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 10, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)) (See 42 U.S.C. 7607 (b)(2))

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: June 25, 1993.

Charles Findley,

Acting Regional Administrator.

Note: Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register on July 1, 1982.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c)(39) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(39) On May 14, 1991, the Director of the Department of Ecology submitted revisions to the State of Washington Implementation plans for volatile organic compound emissions (WAC 173–490 "Emission Standards and Controls for Sources Emitting Volatile Compounds") attainment from stationary sources in ozone nonattainment areas.

(i) Incorporation by reference.

(A) May 14, 1991 letter from Washington Department of Ecology to EPA Region 10 submitting the VOC nonattainment area state implementation plan for Washington.

(B) WAC 173–490 "Emission Standards and Controls for Sources Emitting Volatile Compounds" as adopted on February 19, 1991 and became effective on March 22, 1991.

3. Section 52.2479 is revised to read as follows:

§ 52.2479 Contents of the federally approved, state submitted implementation plan.

The following sections of the Washington State Implementation Plan for Compliance with Requirements of the Federal Clean Air Act (as adopted on the dates indicated) have been approved and are part of the current federally-approved, state-submitted implementation plan.

Washington State Implementation Plan for Compliance With Requirements of the Federal Clean Air Act

WAC 173–400 General Regulations for Air Pollution Sources

Section 010 Policy and purpose (3/22/91)
Section 020 Applicability (3/22/91)
Section 030 Definitions (3/22/91)
Section 040 General standards for maximum emissions (except -040(1) (c) and (d); -040(2); -040(4); and the second paragraph of -040(6)) (3/22/91)
Section 050 Emission standards for combustion and incineration units (except for the exception provision in -050(3)) (3/22/91)
Section 060 Emission standards for general process units (3/22/91)
Section 070 Emission standards for certain source categories (except -070(7)) (3/22/91)
Section 100 Registration (3/22/91)
Section 105 Records, monitoring and reporting (3/22/91)
Section 110 New source review (NSR) (3/22/91)
Section 151 Retrofit requirements for visibility protection (3/22/91)
Section 161 Compliance schedules (3/22/91)
Section 171 Public involvement (3/22/91)
Section 190 Requirements for nonattainment areas (3/22/91)
Section 200 Creditable stack height and dispersion techniques (3/22/91)
Section 205 Adjustment for atmospheric conditions (3/22/91)
Section 210 Emission requirements for prior jurisdictions (3/22/91)
Section 220 Requirements for board members (3/22/91)
Section 230 Regulatory actions (3/22/91)
Section 240 Criminal penalties (3/22/91)
Section 250 Appeals (3/22/91)
Section 260 Conflict of interest (3/22/91)

WAC 173–402 Civil Sanctions Under Washington Clean Air Act (6/24/80)

WAC 173–405 Kraft Pulp Mills

Section 012 Statement of purpose (3/22/91)
Section 021 Definitions (3/22/91)

HeinOnline -- 58 Fed. Reg. 37427 1993

Section 040 Emission standards (except -040(1)(b), -040(1)(c), -040(3)(b), -040(3)(c), -040(4), -040(7), -040(8), and -040(9)) (3/22/91)
Section 045 Creditable stack height and dispersion techniques (3/22/91)
Section 061 More restrictive emission standards (3/22/91)
Section 072 Monitoring requirements (except -072(2)) (3/22/91)
Section 077 Report of startup, shutdown, breakdown or upset conditions (3/22/91)
Section 078 Emission inventory (3/22/91)
Section 086 New source review (NSR) (3/22/91)
Section 087 Prevention of significant deterioration (PSD) (3/22/91)
Section 091 Special studies (3/22/91)

WAC 173–410 Sulfite Pulping Mills

Section 012 Statement of Purpose (3/22/91)
Section 021 Definitions (3/22/91)
Section 040 Emission standards (except for the exception provision in -040(3) and -040(5)) (3/22/91)
Section 045 Creditable stack height and dispersion techniques (3/22/91)
Section 062 Monitoring requirements (3/22/91)
Section 067 Report of startup, shutdown, breakdown or upset conditions (3/22/91)
Section 071 Emission inventory (3/22/91)
Section 086 New source review (NSR) (3/22/91)
Section 087 Prevention of significant deterioration (PSD) (3/22/91)
Section 100 Special studies (3/22/91)

WAC 173–415 Primary Aluminum Plants

Section 010 Statement of purpose (3/22/91)
Section 020 Definitions (except -020(1) and (2)) (3/22/91)
Section 030 Emission standards (except -030(1) and -030(3)(b)) (3/22/91)
Section 045 Creditable stack height and dispersion techniques (3/22/91)
Section 050 New source review (NSR) (3/22/91)
Section 051 Prevention of significant deterioration (PSD) (3/22/91)
Section 060 Monitoring and reporting (except -060(1) (a), (b) and (d)) (3/22/91)
Section 070 Report of startup, shutdown, breakdown or upset conditions (3/22/91)
Section 080 Emission inventory (3/22/91)

WAC 173–420 State Jurisdiction Over Motor Vehicles (3/29/77)

WAC 173–422 Motor Vehicle Emission Inspection (12/31/81)

WAC 173–425 Open Burning

Section 010 Purpose (10/18/90)
Section 020 Applicability (10/18/90)
Section 030 Definitions (10/18/90)
Section 036 Curtailment during episodes or impaired air quality (10/18/90)
Section 045 Prohibited materials (10/18/90)
Section 055 Exceptions (10/18/90)
Section 065 Residential open burning (10/18/90)
Section 075 Commercial open burning (10/18/90)
Section 085 Agricultural open burning (10/18/90)
Section 095 No burn area designation (10/18/90)
Section 100 Delegation of agricultural open burning program (10/18/90)
Section 115 Land clearing projects (10/18/90)
Section 120 Department of natural resources—smoke management plan (10/18/90)
Section 130 Notice of violation (10/18/90)
Section 140 Remedies (10/18/90)

WAC 173–430 Burning of Field and Forage and Turf Grasses Grown for Seed

Section 010 Purpose (10/18/90)
Section 020 Definitions (10/18/90)
Section 030 Permits, conditions and restrictions (10/18/90)
Section 040 Mobile field burners (10/18/90)
Section 050 Other approvals (10/18/90)
Section 060 Study of alternatives (10/18/90)
Section 070 Fees (10/18/90)
Section 080 Certification of alternatives (10/18/90)

WAC 173–433 Solid Fuel Burning Device Standards

Section 010 Purpose (10/18/90)
Section 020 Applicability (10/18/90)
Section 030 Definitions (10/18/90)
Section 100 Emission performance standards (10/18/90)
Section 110 Opacity standards (10/18/90)
Section 120 Prohibited fuel types (10/18/90)
Section 130 General emission standards (10/18/90)
Section 150 Curtailment (10/18/90)
Section 170 Retail sales fee (10/18/90)
Section 200 Regulatory actions and penalties (10/18/90)

WAC 173–434 Solid Waste Incinerator Facilities

Section 010 Purpose (10/18/90)
Section 020 Applicability (10/18/90)
Section 030 Definitions (10/18/90)
Section 050 New source review (NSR) (10/18/90)
Section 070 Prevention of significant deterioration (PSD) (10/18/90)
Section 090 Operation and maintenance plan (10/18/90)
Section 100 Requirement for BACT (10/18/90)
Section 130 Emission standards (except -130(2)) (10/18/90)
Section 160 Design and operation (10/18/90)
Section 170 Monitoring and reporting (10/18/90)
Section 190 Changes in operation (10/18/90)
Section 200 Emission inventory (10/18/90)
Section 210 Special studies (10/18/90)

WAC 173–435 Emergency Episode Plan

Section 010 Purpose (1/3/89)
Section 015 Significant harm levels (1/3/89)
Section 020 Definitions (1/3/89)
Section 030 Episode stage criteria (1/3/89)
Section 040 Source emission reduction plans (1/3/89)
Section 050 Action procedures (1/3/89)
Section 060 Enforcement (1/3/89)
Section 070 Sampling sites, equipment and methods (except -070(1)) (1/3/89)

WAC 173–440 Sensitive Areas

Section 010 Purpose (10/18/90)
Section 020 Applicability (10/18/90)
Section 030 Definitions (10/18/90)
Section 040 Sensitive areas designated (10/18/90)
Section 100 Standards (10/18/90)
Section 900 Appendix A—Map (10/18/90)

WAC 173–470 Ambient Air Quality Standards for Particulate Matter

Section 010 Purpose (1/3/89)
Section 020 Applicability (1/3/89)
Section 030 Definitions (1/3/89)
Section 100 Ambient air quality standards (1/3/89)
Section 160 Reporting of data (1/3/89)

WAC 173–490 Emission Standards and Controls for Sources Emitting Volatile Organic Compounds

Section 010 Purpose (2/19/91)
Section 020 Definitions (2/19/91)
Section 025 General Applicability (2/19/91)
Section 030 Registration and Reporting (2/19/91)
Section 040 Requirements (2/19/91)
Section 070 Schedule of Control Dates (repealed 2/19/91)
Section 071 Alternative Schedule of Control Dates (repealed 2/19/91)
Section 080 Exceptions (2/19/91)
Section 090 New Source Review (2/19/91)
Section 120 Compliance Schedules (repealed 2/19/91)
Section 130 Regulatory Actions (repealed 2/19/91)
Section 135 Criminal Penalties (repealed 2/19/91)
Section 140 Appeals (repealed 2/19/91)
Section 200 Petroleum Refinery Equipment Leaks (2/19/91)
Section 201 Petroleum Liquid Storage In External Floating Roof Tanks (2/19/91)
Section 202 Leaks from Gasoline Transport Tanks and Vapor Collection Systems (2/19/91)
Section 203 Perchloroethylene Dry Cleaning Systems (2/19/91)
Section 204 Graphic Arts Systems (2/19/91)
Section 205 Surface Coating of Miscellaneous Metal Parts and Products (2/19/91)
Section 207 Surface Coating of Flatwood Paneling (2/19/91)
Section 208 Aerospace Assembly and Component Coating Operations (2/19/91)

WAC 463–39 General Regulations for Air Pollution Sources

Section 010 Purpose (7/23/79)
Section 020 Applicability (7/23/79)
Section 030 Definitions (except (4), (7), (10), (24), (25), (30), (35), (36)) (7/23/79)
Section 040 General Standards for Maximum Permissible Emissions (except introductory paragraph) (7/23/79)
Section 050 Minimum Emission Standards for Combustion and Incineration Sources (7/23/79)
Section 060 Minimum Emission Standards for General Process Sources (7/23/79)
Section 080 Compliance Schedules (7/23/79)
Section 100 Registration (7/23/79)

HeinOnline -- 58 Fed. Reg. 37428 1993

Section 110 New Source Review (except (1), the first two sentences of (3)(b),(3)(c), (3)(d), (3)(e)) (7/23/79)
Section 120 Monitoring and Special Report (7/23/79)
Section 130 Regulatory Actions (7/23/79)
Section 135 Criminal Penalties (7/23/79)
Section 150 Variance (7/23/79)
Section 170 Conflict of Interest (7/23/79)

Puget Sound Air Pollution Control Authority—Regulation I

Article 1 Policy, Short Title & Definitions (except 1.07(s), 1.07(rr) and 1.07(xx) (12/74)
Article 1.07(s) General Definitions, "Facility" (10/11/83)
Article 1.07(rr) General Definitions, "Source" (10/11/83)
Article 1.07(xx) General Definitions, "Volatile Organic Compound" (10/11/83)
Article 3 General Provisions (12/74)
Article 6 Notices of Construction and Orders of Approval (except 6.07(b)(7) and 6.08) (12/74)
Article 6.07(b)(7) Issuance of Approval or Order (10/11/83)
Article 6.08 Special Conditions for New Air Contaminant Sources Which Will Significantly Impact A NonAttainment Area (10/11/83)
Article 9.02 Outdoor Fires (6/13/73)
Article 9.02A (6/20/74)
Article 9.03 Emission of Air Contaminant: Visual Standard (1/77)
Article 9.04 Deposition of Particulate Matter (1/77)
Article 9.05 Incinerator Burning (1/77)
Article 9.06 Refuse Burning Equipment: Time Restriction (1/77)
Article 9.07(c) Emission of Sulfur Dioxide (8/12/70)
Article 9.07(d) Emission of Sulfur Dioxide (1/77)
Article 9.07(e) Emission of Sulfur Dioxide (1/77)
Article 9.09 Emission of Particulate Matter: Weight Rate Standard (1/77)

Puget Sound Air Pollution Control Authority—Regulation II

Article 1 Purpose, Policy, Short Title and Definitions (except 1.02) (4/8/82)
Article 1, Section 1.02 Policy (12/13/84)
Article 2 Volatile Organic Compound Emission Standards Group 1 (except 2.13) (4/8/82)
Article 2, Section 2.13 Schedule of Control Dates (12/13/84)
Article 3 Volatile Organic Compound Emission Standards—Group 2 (except 3.11) (4/8/82)
Article 3, Section 3.11 Schedule of Compliance Dates (12/13/84)
Article 4 General Provisions (except 4.02) (4/8/82)
Article 4, Section 4.02 Scope, Registration, Reporting and Notice of Construction (12/13/84)

Northwest Air Pollution Authority—Regulations

Section 455.11 Particulate Matter Standard (8/9/78)

Spokane Country Air Pollution Control Authority—Regulation II

Article IV, Section 4.01 Particulate Emissions—Grain Loading Restrictions (1/6/75)

[FR Doc. 93-16362 Filed 7-9-93; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[GEN Docket No. 89-116, 89-117 and 89-118, FCC 93-261]

Procedure for Measuring Electromagnetic Emissions From Intentional and Unintentional Radiators

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action incorporates into the FCC Rules by reference the American National Standards Institute's (ANSI) test procedure C63.4-1992 as the standard the Commission will use for measuring electromagnetic emissions from intentional and unintentional radiators, including digital devices, regulated under part 15 of the FCC Rules. C63.4-1992 will be used instead of TP-3, TP-4, and TP-6, the test procedures proposed in the Notices of Proposed Rule Making (*NPRMs*) in this proceeding. This new procedure is a revision of ANSI test procedure C63.4-1991, incorporating additional instructions specific to the testing of intentional and unintentional radiators. C63.4-1992 also includes new criteria for site attenuation in a measurement facility description filing required by Part 2 of the FCC Rules.

EFFECTIVE DATE: August 11, 1993. The incorporation by reference of ANSI C63.4-1992 listed in the regulations was approved by the Director of the Federal Register as of August 11, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Hugh L. Van Tuyl, FCC Laboratory, 7435 Oakland Mills Road, Columbia, MD, 21046, (301) 725-1585, extension 221.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (*R&O*) in General Dockets 89-116, 89-117 and 89-118, adopted May 13, 1993, and released June 24, 1993. The full text of this *R&O*, including the Final Regulatory Flexibility Analysis, is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Synopsis of Report and Order

1. This Report and Order amends part 15 of the rules to incorporate by reference ANSI C63.4-1992 as the procedure to be used by the Commission for performing radio-noise emission measurements on intentional and unintentional radiators, including digital devices. Consistent with the actions we have taken earlier with regard to digital devices, there are three sections of ANSI C63.4-1992 that we are not adopting in determining compliance of devices with the FCC Rules. We are not adopting section 5.7, which specifies the use of an artificial hand when measuring hand-held equipment. We believe that the use of an artificial hand adds complexity to testing, and there is insufficient evidence to show that it allows an accurate or repeatable measurement of the emission levels from a device. We also will not accept absorbing clamp measurements as a substitute for measuring radiated emissions as provided in Section 9. The Commission's limits are based on measurements of radiated emissions. There is no evidence to show that the results obtained with an absorbing clamp can be correlated with radiated emissions from electronic equipment. Finally, we are not allowing the relaxation of the limits for "click" or short duration emissions as provided in section 14. Short duration emissions can produce as much nuisance to radio communications as continuous emissions.

2. Currently the Commission requires the filing of a measurement facility description pursuant to Section 2.948 of the Rules, including measurements of site attenuation showing compliance with the horizontal test site attenuation values specified in FCC Office of Engineering and Technology Bulletin 55 (OET 55). ANSI C63.4-1992 contains vertical site attenuation measurement requirements as well as the horizontal site attenuation measurement requirements contained in OET 55. We are requiring site attenuation data to be taken pursuant to C63.4-1992.

3. We recognize that a time period is needed for transition to the new measurement procedure and test site requirements. We are implementing the use of C63.4-1992 for equipment authorizations other than digital devices filed on or after June 1, 1995. Digital devices are still subject to the May 1,

HeinOnline -- 58 Fed. Reg. 37429 1993