PUBLIC NOTICE

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FURTHER GUIDANCE FOR BROADCASTERS REGARDING RADIOFREQUENCY RADIATION AND THE ENVIRONMENT

The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. Sections 4321-4361, requires all federal agencies to ensure that the environment is given appropriate consideration in agency decision-making. In a Report and Order in General Docket No. 79-144, 100 F.C.C. 2d 543 (1985), the Commission decided that human exposure to radiofrequency (RF) radiation was a proper environmental concern of this agency and specified that the guideline for determining the significance of such exposure will be the "Radio Frequency Protection Guides" adopted in 1982 by the American National Standards Institute (ANSI C95.1 - 1982). As of January 1, 1986, all applications for new facilities, modifications to existing facilities, and renewals must contain either a specific indication that the RF radiation of the particular facility or operation will not have a significant environmental impact or an environmental assessment which will serve as the basis for further Commission action.1/ See Part 1, Subpart I of the Commission's rules for specific regulations regarding environmental matters.

Most broadcasting facilities produce high RF radiation levels at one or more locations near their antennas. That, in itself, does not mean that the facilities significantly affect the quality of the human environment. Each situation must be examined separately to decide whether humans are or could be exposed to high RF radiation. Paragraph 37 of the Report and Order points out that accessibility is a key factor in making such a determination. As a general principle, if areas of high RF radiation levels are publicly marked and if access to such areas is impeded or highly improbable (remoteness and natural barriers may be pertinent) then it may be presumed that the facilities producing the RF radiation do not significantly affect the quality of the human environment and do not require the filing of an environmental assessment.

1/ In applications for new and modified facilities the requirement for a specific indication is satisfied by answering the question on the form regarding environmental matters. An environmental assessment is the narrative statement described in Section 1.1311 and elsewhere in the Commission's rules.

Because we wish to avoid burdening applicants with unnecessary work, expenses and administrative filings, we offer the following guidance as to how we will view typical situations. The term "high RF level" means an intensity of RF radiation, whether from single or multiple sources, which exceeds the ANSI guidelines.

Situations

(A) High RF levels are produced at one or more locations above ground level on an applicant's tower

- If the tower is marked by appropriate warning signs, the applicant may assume that there is no significant effect on the human environment with regard to exposure of the general public.

(B) High RF levels are produced at ground level in a remote area not likely to be visited by the public

- If the area of concern is marked by appropriate warning signs, an applicant may assume that there is no significant effect on the human environment with regard to exposure of the general public. It is recommended that fences also be used where feasible.

(C) High RF levels are produced at ground level in an area which could reasonably be expected to be used by the public (including trespassers)

- If the area of concern is fenced <u>and</u> marked by appropriate warning signs, an applicant can assume that there is no significant effect on the human environment with regard to exposure of the general public.

(D) High RF levels are produced at ground level in an area which is used or is likely to be used by people and to which the applicant cannot or does not restrict access

- The applicant must submit an environmental assessment. This situation may require a modification of the facilities to reduce exposure or could lead to a denial of the application.

(E) High RF levels are produced in occupied structures, on balconies, or on rooftops used for recreational or commercial purposes

- The applicant must submit an environmental assessment. The circumstances may require a modification of the broadcasting facility to reduce exposure or could lead to a denial of the application.

(F) High RF levels are produced in offices, studios, workshops, parking lots or other areas used regularly by station employees

- The applicant must submit an environmental assessment. The circumstances may require a modification of the facilities to reduce exposure or the application may be denied. This situation is essentially the same as (E). We have included it to emphasize the point that station employees as well as the general public must be protected from high RF levels. Legal releases signed by employees willing to accept high exposure levels are not acceptable and may not be used in lieu of corrective measures.

(G) High RF levels are produced in areas where intermittent maintenance and repair work must be performed by station employees or others

- ANSI guidelines also apply to workers engaged in maintenance and repair. As long as these workers will be protected from exposure to levels exceeding ANSI guidelines, no environmental assessment is needed. Unless requested by the Commission, information about the manner in which such activities are protected need not be filed. If protection is not to be provided, the applicant must submit an environmental assessment. The circumstances may require corrective action to reduce exposure or the application may be denied. Legal releases signed by workers willing to accept high exposure levels are not acceptable and may not be used in lieu of corrective measures.

The foregoing also applies to high RF levels created in whole or in part by reradiation.

A convenient rule to apply to all situations involving RF radiation is the following:

(1) Do not create high RF levels where people are or could reasonably be expected to be present

<u>and</u>

(2) Prevent people from entering areas in which high RF levels are necessarily present.

Fencing and warning signs may be sufficient in many cases to protect the general public. Unusual circumstances, the presence of multiple sources of radiation, and operational needs will require more elaborate measures.

Intermittent reductions in power, increased antenna heights, modified antenna radiation patterns, site changes, or some combination of these may be necessary, depending on the particular situation.

For further discussion see Office of Science and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation," October 1985. Copies of this bulletin may be ordered from the National Technical Information Service, (800) 336-4700, Order No. PB 86-127081.

For further information regarding this Notice applicants should contact the AM Branch, FM Branch, TV Branch or LPTV/Translator Branch, as appropriate.

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