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having unity gain may be employed by stations communicating with a minimum of three receiving locations encompassed in a sector of at least 160° in azimuth. Stations authorized for secondary fixed operations prior to July 13, 1992, may continue to operate under the conditions of their initial authorization.

(d)–(e) [Reserved]

(f) Secondary fixed operations pursuant to paragraph (a) of this section will not be authorized on the following frequencies or on frequencies subject to § 90.267:

### *Frequencies (MHz)*

451.800/456.800	454.000/459.000
451.80625/456.80625	454.00625/459.00625
451.8125/456.8125	454.0125/459.0125
451.81875/456.81875	454.01875/459.01875
452.525	462.950/467.950
452.53125	462.95625/467.95625
452.5375	462.9625/467.9625
452.54375	462.96875/467.96875
452.550	462.975/467.975
452.55625	462.98125/467.98125
452.5625	462.9875/467.9875
452.56875	462.99375/467.99375
452.575	463.000/468.000
452.58125	463.00625/468.00625
452.5875	463.0125/468.0125
452.59375	463.01875/468.01875
452.600	463.025/468.025
452.60625	463.03125/468.03125
452.6125	463.0375/468.0375
452.61875	463.04375/468.04375
452.925/457.925	463.050/468.050
452.93125/457.93125	463.05625/468.05625
452.9375/457.9375	463.0625/468.0625
452.94375/457.94375	463.06875/468.06875
452.950/457.950	463.075/468.075
452.95625/457.95625	463.08125/468.08125
452.9625/457.9625	463.0875/468.0875
452.96875/457.96875	463.09375/468.09375
453.025/458.025	463.100/468.100
453.03125/458.03125	463.10625/468.10625
453.0375/458.0375	463.1125/468.1125
453.04375/458.04375	463.11875/468.11875
453.075/458.075	463.125/468.125
453.08125/458.08125	463.13125/468.13125
453.0875/458.0875	463.1375/468.1375
453.09375/458.09375	463.14375/468.14375
453.125/458.125	463.150/468.150
453.13125/458.13125	463.15625/468.15625
453.1375/458.1375	463.1625/468.1625
453.14375/458.14375	463.16875/468.16875
453.175/458.175	463.175/468.175
453.18125/458.18125	463.18125/468.18125
453.1875/458.1875	463.1875/468.1875
453.19375/458.19375	463.19375/468.19375

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[57 FR 24992, June 12, 1992, as amended at 58 FR 33212, June 16, 1993; 60 FR 37268, July 19, 1995; 62 FR 18928, Apr. 17, 1997; 68 FR 19461, Apr. 21, 2003; 72 FR 35196, June 27, 2007]

### § 90.263 Substitution of frequencies below 25 MHz.

Frequencies below 25 MHz when shown in the radio pool frequency listings under this part will be assigned to base or mobile stations only upon a satisfactory showing that, from a safety of life standpoint, frequencies above 25 MHz will not meet the operational requirements of the applicant. These frequencies are available for assignment in many areas; however, in individual cases such assignment may be impracticable due to conflicting frequency use authorized to stations in other services by this and other countries. In such cases, a substitute frequency, if found available, may be assigned from the following bands: 1705–1750 kHz, 2107–2170 kHz, 2194–2495 kHz, 2506–2850 kHz, 3155–3400 kHz, or 4438–4650 kHz. Since such assignments are in certain instances subject to additional technical and operation limitations, it is necessary that each application also include precise information concerning transmitter output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. (This section is not applicable to the Radiolocation Service, subpart F of this part.)

[72 FR 35196, June 27, 2007]

### § 90.264 Disaster communications between 2 and 10 MHz.

(a) The use of any particular frequency between 2 and 10 MHz is limited to those frequencies falling within the bands allocated to the fixed and land mobile services as indicated in § 2.106 of the Commission's Rules and Regulations.

(b) Only in the following circumstances will authority be extended to stations to operate on the frequencies between 2 and 10 MHz:

(1) To provide communications circuits in emergency and/or disaster situations, where safety of life and property are concerned;

(2) To provide standby and/or backup communications circuits to regular domestic communications circuits which

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have been disrupted by disasters and/or emergencies.

(c) The FCC will not accept responsibility for protection of the circuits from harmful interference caused by foreign operations.

(d) In the event that a complaint of harmful interference resulting from operation of these circuits is received from a foreign source, the offending circuit(s) must cease operation on the particular frequency concerned immediately upon notification by the Commission.

(e) In order to accommodate the situations described in paragraphs (c) and (d) of this section, the equipment shall be capable of transmitting and receiving on any frequency within the bands between 2 and 10 MHz and capable of immediate change among the frequencies.

(f) Only 2K80J3E, 100HA1A and those emission types listed in §90.237(g) are permitted.

(g) Applicants must fulfill eligibility requirements set out in §90.20(d)(6) and shall submit disaster communications plans pursuant to §90.129(m).

(h) Training exercises which require use of these frequencies for more than seven hours a week, cumulative, are not authorized without prior written approval from the Commission.

[46 FR 52373, Oct. 27, 1981, as amended at 48 FR 32831, July 19, 1983; 49 FR 48712, Dec. 14, 1984; 62 FR 18929, Apr. 17, 1997; 72 FR 35196, June 27, 2007]

### § 90.265 Assignment and use of frequencies in the bands allocated for Federal use.

(a) The following center frequencies are available for assignment to fixed stations in the Public Safety Pool or the Industrial/Business Pool, subject to the provisions of this section:

#### HYDRO CHANNELS (MHz)

169.4250 .....	170.2625	171.1000	406.1250
169.4375 .....	170.2750	171.1125	406.1750
169.4500 .....	170.2875	171.1250	412.6625
169.4625 .....	170.3000	171.8250	412.6750
169.4750 .....	170.3125	171.8375	412.6875
169.4875 .....	170.3250	171.8500	412.7125
169.5000 .....	171.0250	171.8625	412.7250
169.5125 .....	171.0375	171.8750	412.7375
169.5250 .....	171.0500	171.8875	412.7625
170.2250 .....	171.0625	171.9000	412.7750
170.2375 .....	171.0750	171.9125	415.1250
170.2500 .....	171.0875	171.9250	415.1750

(1) The use of these frequencies is limited to transmitting hydrological or meteorological data.

(2) All use of these frequencies is on a secondary basis to Federal Government stations and the hydrological or meteorological data being handled must be made available on request to governmental agencies.

(3) Other provisions of this part notwithstanding, an operational fixed station operating on these frequencies shall not communicate with any station in the mobile service unless written authorization to do so has been obtained from the Commission.

(4) Persons who desire to operate stations on these frequencies should communicate with the Commission for instructions concerning the procedure to

be followed in filing formal application.

(5) After May 27, 2005, for the 169–172 MHz band and January 1, 2008 for the 406–416 MHz band, channels for new operations are limited to an authorized bandwidth not to exceed 11.25 kHz. After those dates, existing systems with an authorized bandwidth of greater than 11.25 kHz (including those systems that expand existing operations) may continue to operate with a bandwidth greater than 11.25 kHz until January 1, 2013. Such operations are limited by paragraphs (a)(6) and (a)(7) of this section.

(6) After May 27, 2005, if a licensee of a channel in the band 169–172 MHz which uses equipment with an authorized bandwidth greater than 11.25 kHz