

Dated: May 7, 2003.

Christine Todd Whitman,  
Administrator.

■ For the reasons set out in the preamble, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

#### PART 71—[AMENDED]

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

#### Subpart A—[Amended]

■ 2. Section 71.9 is amended by adding paragraph (f)(5) to read as follows:

##### § 71.9 Permit fees.

\* \* \* \* \*

(f) \* \* \*

(5) Notwithstanding the above and § 71.5(a)(2), initial fee payments for sources that are subject to the part 71 program for State-exempt agricultural sources in California local air districts are due on May 14, 2004. Before May 14, 2004, initial applications from these sources that are timely and otherwise complete shall not be deemed incomplete due to the fact that fees are not submitted with the applications.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2, 73, 74, 80, 90, and 97

[ET Docket No. 02-16; FCC 03-39]

#### Below 28 MHz

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** In this document, the Commission amends its rules to implement domestically various allocation decisions from International Telecommunication Union ("ITU") World Radiocommunication Conferences concerning the frequency bands below 28 MHz. The rules update the Commission's rules so they are more consistent with international regulations, update various rule parts to affect the allocation changes, and update rules that were not recently reviewed.

**DATES:** Effective June 12, 2003.

**FOR FURTHER INFORMATION CONTACT:** Shameeka Parrott, Office of Engineering and Technology, (202) 418-2062, email: [sparrott@fcc.gov](mailto:sparrott@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, ET Docket No. 02-16, FCC 03-39, adopted February 25, 2003, and released March 3, 2003. The full text of this Commission decision is available on the Commission's Internet site at [www.fcc.gov](http://www.fcc.gov). It is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Qualex International, Room CY-B402, 445 12th Street, SW., Washington, DC 20554. Alternate formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365.

#### Summary of the Report and Order

1. In the *Report and Order*, the Commission amended parts 2, 73, 74, 80, 90, and 97 of the Commission's rules to implement domestically various allocation decisions from ITU World Radiocommunication Conferences concerning the frequency bands below 28 MHz.

2. *International Broadcast Frequencies.* The Commission found that implementing allocation changes from World Administration Radiocommunication Conference ("WARC") 1979 and WARC-92 concerning high frequency broadcast ("HFBC") would significantly increase the amount of spectrum available for HFBC, and conform to international regulations. The Commission states that implementing these allocation changes would promote national interest around the world and increase the international communications provided by HFBC.

3. To provide more effective use of the WARC-79 HFBC bands, the Commission deleted the fixed service allocation from the WARC-79 bands to make these bands available exclusively to the broadcasting service. These bands are also added to the Commission's rules for international broadcast stations, which provide an additional 850 kilohertz of exclusive spectrum for international broadcasters. Federal government agencies are permitted to operate existing fixed stations in the bands 9775-9900 kHz, 11650-11700 kHz, and 11975-12050 kHz on a non-harmful interference basis to the international broadcast stations.

4. Until the transition of the WARC-92 HFBC bands to exclusive broadcasting service use becomes effective on April 1, 2007, the Commission allocated the 790 kilohertz of spectrum to the broadcasting service

on a shared primary basis with existing fixed and mobile services. Consistent with changes being made to the allocation of the WARC-92 HFBC bands, the Commission ceased to issue licenses for new non-Federal government stations in the fixed and mobile services on April 1, 2001. The Commission added informational notes to part 80 (the maritime service rules) stating that radioprinter use of the bands 5900-5950 kHz and 7300-7350 kHz and Alaska private-fixed station use of the frequency 11601.5 kHz is on the condition that harmful interference is not caused to HFBC.

5. The Broadcasting Board of Governors ("BBG") filed comment in reference to limiting WARC-92 HFBC bands to single-sideband ("SSB") technology, which BBG believed would limit flexibility and increase costs. The Commission agreed with BBG that international broadcasters would not use SSB techniques because recent ITU studies demonstrated extremely limited availability of SSB receivers.

6. Finally, the Commission amended rules that would update the international broadcasting rules to reflect current practices and make them consistent with ITU *Radio Regulations*. The Commission revised the frequency tolerance of 0.0015 percent of the assigned frequency to the current ITU standard of 10 hertz in § 73.756(c). Given that there are few HFBC stations and many are non-profit, the Commission is grandfathering existing stations that do not meet this new standard. Also, the HFBC definitions in § 73.701 of the rules are revised to reflect international requirements as specified in the *WRC-97 Final Acts*. Currently, the band 25600-25670 kHz is used by radio astronomy service and not by HFBC stations. Therefore, the Commission deleted this band from the list of frequencies available to HFBC stations in part 73 of the rules. With the Commission's rules now agreeing with the ITU Table of Frequency Allocations, domestic radio astronomy observations are protected in this range. The Commission also clarified the manner in which the 7100-7300 kHz band is to be used by international broadcast stations by adding cross references to the rules, and replacing the target zone map in § 73.703 with the current ITU target zone map. Finally, the last sentence in § 73.766 is modified by changing the highest modulating frequency from 5 kilohertz to 4.5 kilohertz to reflect a long-standing international provision.

7. *AM Expanded Band.* The Commission found that the public interest would be served providing additional cleared spectrum in the band