

PART 52—[AMENDED]

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

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

Subpart G—Colorado

■ 2. Section 52.320 is amended by adding paragraph (c)(100) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(100) EPA is approving a SIP revision submitted by the Governor of Colorado on July 31, 2002, concerning the use of credible evidence for determining compliance and establishing violations. The July 31, 2002 submittal revises Colorado Air Quality Control Commission (AQCC) Common Provisions Regulation by adding Section II.I, Compliance Certifications. Section II.I of Colorado AQCC Common Provisions Regulation is approved into the SIP.

(i) Incorporation by reference.

(A) Colorado Air Quality Control Commission Common Provisions Regulation, Section II.I, effective September 30, 2001.

[FR Doc. 03-16026 Filed 6-27-03; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 2 and 90**

[WT Docket No. 00-32; FCC 03-99]

The 4.9 GHz Band Transferred from Federal Government Use

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Federal Communications Commission (FCC) denies petitions for reconsideration of the FCC's decision to prohibit aeronautical mobile operations in the 4940-4990 MHz (4.9 GHz) band. While the FCC believes that it could fashion no general rule that would adequately protect radio astronomy operations without being so restrictive as to limit the utility of pursuing aeronautical mobile operations in the 4.9 GHz band, the FCC nonetheless recognizes the public safety community's interest in utilizing the 4.9 GHz band for aeronautical mobile operations. Thus, the FCC provides a mechanism whereby such operations could be allowed on a case-by-case basis provided that there is

a sufficient technical showing made that the proposed operations would not interfere with in-band and adjacent band radio astronomy operations.

FOR FURTHER INFORMATION CONTACT: Tim Maguire, tmaguire@fcc.gov, or Genevieve Augustin, gaugusti@fcc.gov, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418-0680, or TTY (202) 418-7233.

SUPPLEMENTARY INFORMATION: This is a summary of the FCC's Memorandum Opinion and Order, FCC 03-99, adopted on April 23, 2003, and released on May 2, 2003. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the FCC's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-99A1.pdf. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365 or at bmillin@fcc.gov.

1. In the Second Report and Order (Second Report and Order), 67 FR 17308, April 9, 2002, in this proceeding, the FCC allocated the fifty megahertz of spectrum in the 4.9 GHz band for fixed and mobile services (except aeronautical mobile service) and designated the band for use in support of public safety. In this Memorandum Opinion and Order (MO&O), the FCC addresses petitions for reconsideration of the Second R&O.

2. In the MO&O, the FCC denies petitions for reconsideration of the FCC's decision to prohibit aeronautical mobile operations in the 4.9 GHz band. The FCC believes that there is insufficient information demonstrating that it could fashion a general rule that would adequately protect radio astronomy operations in all scenarios. The FCC is also concerned that any general rule would be so restrictive as to limit the utility of pursuing aeronautical mobile operations in the 4.9 GHz band. The FCC nonetheless recognizes the public safety community's interest in utilizing the 4.9 GHz band for aeronautical mobile operations and provides a mechanism whereby such operations could be allowed on a case-by-case basis provided that there is a sufficient technical showing made that the proposed operations would not interfere with in-band and adjacent band radio astronomy operations. This action

strikes the appropriate balance between the FCC's goals of protecting radio astronomy operations and promoting effective public safety communications and innovation in wireless broadband services in support of public safety.

I. Ordering Clauses

3. The Chief, Wireless Telecommunications Bureau and the Chief, Office of Engineering and Technology, *are granted delegated authority* to adjudicate waiver requests to utilize the 4.9 GHz band for aeronautical mobile operations.

Federal Communications Commission

Marlene H. Dortch,
Secretary.

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 2 and 90**

[WT Docket No. 00-32; FCC 03-99]

The 4.9 GHz Band Transferred From Federal Government Use

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC) establishes licensing and service rules for the 4940-4990 MHz band (4.9 GHz band). By this action, the FCC seeks to promote effective public safety communications and innovation in wireless broadband services in support of public safety. The FCC further endeavors to provide 4.9 GHz band licensees with the maximum operational flexibility practicable and to encourage effective and efficient utilization of the spectrum. The actions herein make significant strides towards ensuring that agencies involved in the protection of life and property possess the communications resources needed to successfully carry out their mission.

DATES: Effective July 30, 2003. Public and agency comments regarding information collection are due August 29, 2003.

ADDRESSES: 445 12th Street, SW., Washington, DC 20554.

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