

**§ 73.0 Applicability and related requirements.**

\* \* \* \* \*

(b) \* \* \*

(5) A provisional registration certificate may be issued to an entity if, as of November 12, 2003:

(i) The Attorney General has received all of the information, including fingerprint cards, required by the Attorney General to conduct a security risk assessment of the entity, including any individual who owns or controls the entity; and

(ii) The entity otherwise meets all of the requirements of this Part.

(6) A provisional registration certificate will be effective until the Secretary either issues a certificate of registration or suspends or revokes the provisional registration.

(7) A provisional grant of access may be issued to an individual identified by an entity as having a legitimate need to have access to a select agent or toxin from whom, as of November 12, 2003, the Attorney General has received all of the information, including fingerprint cards, required by the Attorney General to conduct a security risk assessment of that individual.

(8) A provisional grant of access will be effective until the Secretary either grants the individual access or denies access to a select agent or toxin.

(c) \* \* \*

(5) A provisional registration certificate may be issued to an entity if, as of November 12, 2003:

(i) The Attorney General has received all of the information, including fingerprint cards, required by the Attorney General to conduct a security risk assessment of the entity, including any individual who owns or controls the entity;

(ii) The entity otherwise meets all of the requirements of this Part; and

(iii) The HHS Secretary finds that circumstances warrant such action in the interest of the public health and safety or national security.

(6) A provisional registration certificate will be effective until the Secretary either issues a certificate of registration or suspends or revokes the provisional registration.

(7) A provisional grant of access may be issued to an individual identified by an entity as having a legitimate need to have access to a select agent or toxin from whom, as of November 12, 2003, the Attorney General has received all of the information, including fingerprint cards, required by the Attorney General to conduct a security risk assessment of that individual.

(8) A provisional grant of access will be effective until the Secretary either

grants the individual access or denies access to a select agent or toxin.

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 25**

[IB Docket Nos. 02-34, 00-248, and 96-111, FCC 03-128]

**Satellite Licensing Procedures**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission adopts a procedure that will give operators the flexibility to operate satellites in their fleets at any one of their orbit locations assigned to their fleet without individual prior Commission approval. The Commission also relaxes a licensing requirement for receive-only earth stations accessing certain foreign-licensed satellites. These actions are necessary to provide U.S.-licensed and non-U.S.-licensed satellite operators authorized to provide service to the United States more flexibility to meet their customers' needs.

**DATES:** This final rule contains information collection requirements that have not been approved by OMB. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date of these amendments.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Second Report and Order, IB Docket Nos. 02-34, 00-248, and 96-111, FCC 03-128, adopted June 4, 2003, and released June 20, 2003. The complete text of this Second Report and Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554, and also may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898 or via e-mail [qualexint@lol.com](mailto:qualexint@lol.com). It is also available on the Commission's Web site at <http://www.fcc.gov>.

*Paperwork Reduction Act Analysis:* The actions taken in the *Second Report*

and Order have been analyzed with respect to the Paperwork Reduction Act of 1995 (PRA), Public Law No. 104-13, and found to impose new reporting requirements or burdens on the public. Implementation of these new or modified reporting and recordkeeping requirements will be subject to approval by the Office of Management and Budget (OMB) as prescribed by the PRA.

*Summary of Report and Order:* In this document, the Commission adopts a streamlined procedure for certain modifications of space station licenses, which it refers to as "Fleet Management" modifications. A space station operator may modify its license without prior authorization, but upon 30 days prior notice to the Commission and any potentially affected licensed spectrum user, provided that the operator meets the following requirements: (1) The space station licensee will relocate a Geostationary Satellite Orbit (GSO) space station to another orbit location that is assigned to that licensee; (2) the relocated space station licensee will operate with the same technical parameters as the space station initially assigned to that location, or within the original satellite's authorized and/or coordinated parameters; (3) the space station licensee certifies that it will comply with all the conditions of its original license and all applicable rules after the relocation; (4) the space station licensee certifies that it will comply with all applicable coordination agreements at the newly occupied orbital location; (5) the space station licensee certifies that it has completed any necessary coordination of its space station at the new location with other potentially affected space station operators; (6) the space station licensee certifies that it will limit operations of the space station to Tracking, Telemetry, and Control (TT&C) functions during the relocation and satellite drift transition period; and (7) the space station licensee certifies that the relocation of the space station does not result in a lapse of service for any current customer. The Commission also adopts rules to allow earth station operators that need to modify their licenses to repoint their antennas in response to a satellite Fleet Management modification to do so on a streamlined basis. Finally, the Commission extends its Fleet Management modification rules to non-U.S.-licensed satellites.

In addition, the Commission relaxes a licensing requirement for certain receive-only earth stations. Historically, receive-only earth stations receiving from non-U.S.-licensed satellites were required to be licensed. Under the rule revisions adopted here, receive-only