

Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph 34(h), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (34)(h), of the Instruction, an “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 100.35T–07–152 to read as follows:

§ 100.35T–07–152 2003 Boca Raton Holiday Boat Parade, Riviera Beach, FL.

(a) *Regulated area.* The regulated area encompasses the staging area and parade route for the 2003 Boca Raton Holiday Boat Parade, which includes all waters of the Intracoastal Waterway from the C–15 Canal south to the Hillsboro Boulevard Bridge.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated patrol commander for the event by Commander, Coast Guard Group Miami, Florida.

(c) *Special Local Regulations.* (1) *Staging area.* Entry or anchoring in the staging area, in the vicinity of the mouth of the C–15 canal where it intersects the Intracoastal Waterway, by non-participating vessels is prohibited, unless authorized by the patrol commander.

(2) *Parade route.* During the transit of parade vessels, non-participating vessels are prohibited from approaching within 500 feet ahead of the lead parade vessel, 500 feet astern of the last participating vessel in the parade, or within 50 feet either side of the outboard parade vessels, unless authorized by the patrol commander.

(c) *Effective period:* This section becomes effective at 6 p.m. and

terminates at 9 p.m. on December 20, 2003.

Dated: November 24, 2003.

Harvey E. Johnson, Jr.,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 03–30376 Filed 12–5–03; 8:45 am]

BILLING CODE 4910–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 74, 78 and 101

[ET Docket No. 95–18, ET Docket No. 00–258, IB Docket No. 01–185; FCC 03–280]

Allocation of Spectrum at 2 GHz for Use by the Mobile-Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document modifies the rules that new 2 GHz Mobile-Satellite Service (MSS) licensees are to follow when relocating incumbent Broadcast Auxiliary Service (BAS) licensees in the 1990–2025 MHz band and Fixed Service (FS) microwave licensees in the 2180–2200 MHz band. These actions are taken in light of our recent decision to reallocate 30 megahertz of 2 GHz MSS spectrum to new Fixed and Mobile services as part of our Advanced Wireless Services (AWS) proceeding, and to allow MSS licensees to provide an Ancillary Terrestrial Component (ATC) in conjunction with their MSS networks. We have also considered a number of outstanding petitions for reconsideration filed in response to our initial decision to reallocate these bands to MSS. Together, these decisions will resolve outstanding issues relating to the introduction of MSS at 2 GHz and the consequential relocation of BAS and FS licensees in these bands, which in turn will set the stage for the introduction of a variety of new and highly anticipated advanced services into these bands.

DATES: Effective January 7, 2004.

FOR FURTHER INFORMATION CONTACT: Jamison Prime, Office of Engineering and Technology, (202) 418–7474.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s *Third Report and Order and Memorandum Opinion and Order*, ET Docket No. 95–18, ET Docket No. 00–258, and IB Docket No. 01–185, FCC 03–280, adopted November 5, 2003, and released November 10, 2003. The full text of this Commission decision is available on the Commission’s Internet site at <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, and also may be purchased from the Commission’s duplication contractor, Qualex International, 445 12th Street, SW., Room, CY–B402, Washington, DC 20554; (202) 863–2893; fax (202) 863–2898; e-mail qualexint@aol.com.

Summary of the Third Report and Order and Third Memorandum Opinion and Order

1. In the Third Report and Order and Third Memorandum Opinion and Order the Commission retains in substantial part the BAS and FS relocation procedures that new MSS entrants in the 2 GHz band will follow and that were originally adopted in the Commission’s *MSS Second Report and Order*, 65 FR 48174, August 7, 2000. The modifications we make herein respond to comments filed in response to the *Further Notice of Proposed Rulemaking*, 66 FR 47518, September 13, 2001, in the AWS proceeding and the Notice of Proposed Rulemaking, 66 FR 47621, September 13, 2001, in the MSS–ATC proceeding. In both of those actions, the Commission sought comment on how the introduction of new services into the 2 GHz MSS band would affect the existing BAS and FS relocation procedures. We also address petitions for reconsideration filed in response to the *MSS Second Report and Order*. Specifically, we make the following decisions herein:

For relocation of BAS in the 1990–2025 MHz band by new MSS entrants, we:

- Require the relocation of BAS incumbents in all television markets to the final (Phase II) plan at 2025–2110 MHz. This will eliminate the necessity of relocating BAS licensees to an interim (Phase I) channel plan as part of the previously adopted two-phase approach to relocation.

- Retain the requirement that all BAS operations in markets 1–30 must be relocated prior to the initiation of new MSS in the band.

- Amend the rules to specify that the time period for calculating a one-year mandatory BAS negotiation period for markets 1–30 and the ten-year sunset period commence upon publication of this Report and Order in the **Federal Register**.

- Require the relocation of all fixed BAS stations on channels 1 and 2 nationwide prior to the initiation of new MSS in the band.

- Decline to require the reimbursement of relocation expenses for BAS facilities for which initial