

chambers for testing, and the rules we are adopting reflect that recommendation.

#### Additional Changes to Part 2

49. In the *NPRM*, the Commission proposed to make additional changes to part 2 of the rules to modify sections that need to be updated to reflect the availability of more recent industry documents, or that needed other minor revisions. We received comments supporting the proposals and are adopting the following changes.

- *Section 2.202 Bandwidths*: add entries to the table of necessary bandwidth calculations in paragraph (g) for newer digital modulation types.

- *Section 2.948 Description of measurement facilities*: remove references to expired transition dates and obsolete measurement procedures, update references to reflect the availability of the new ANSI C63.4–2001 measurement procedure, and to correct the Commission's mailing address.

- *Section 2.1033 Application for certification*: re-designate paragraph 2.1033(c)(17) on composite devices as paragraph 2.1033(d) to correct a numbering error.

- *Sections 2.1061 through 2.1065 Filing for Application Reference*: remove this procedure because it is not used.

50. In addition to these changes, we are adding the heading "Telecommunication Certification Bodies (TCBs)" prior to § 2.960 of the rules. This change clarifies that the subsequent sections refer to the requirements for TCBs, and are not part of the requirements for verification, which is the last heading prior to § 2.960. Because this is an editorial change, it can be made without notice and comment.

#### Changes to Part 18

51. In the *NPRM*, the Commission proposed to delete certain rule sections in part 18 that appear to be unnecessary. We received no comments opposing these proposals, and remain convinced of their propriety. We are therefore adopting the following changes.

- *Section 18.103 Organization and applicability of the rules*: remove because it duplicates the table of contents for part 18.

- *Section 18.105 Other applicable rules*: remove because it provides little information and is not necessary.

- *Section 18.119 Importation*: remove because it duplicates portions of the rules in part 2.

#### Changes to Part 90

52. In the *NPRM*, the Commission proposed to correct an error in § 90.203(k) of the rules concerning the certification requirements for equipment used in the Private Land Mobile Radio Service (PLMRS). Specifically, the Commission proposed to delete the requirement that PLMRS transmitters in the 220 MHz band comply with minimum standards for spectral efficiency that was erroneously in this section. This error occurred when a summary of the *Report and Order* in ET Docket No. 97–94 streamlining the equipment authorization processes was published in the **Federal Register**. This *Report and Order* modified § 90.203(k) by changing the term "type acceptance" to "certification" throughout, but made no changes to the rest of the section. For clarity, the rule appendix in the *Report and Order* showed the entire text of this paragraph as revised. Subsequent to the adoption of the *Report and Order*, the Commission adopted a *Memorandum Opinion and Order* in a separate proceeding that also revised § 90.203(k). In that action, the Commission removed the requirement for part 90 transmitters operating in the 220 MHz band to comply with spectral efficiency requirements. While the *Memorandum Opinion and Order* was adopted and released after the *Report and Order*, a summary of it was published in the **Federal Register** before the summary of the *Report and Order*. Therefore, when the *Report and Order* was published in the **Federal Register**, the spectral efficiency requirement that was deleted by the *Memorandum Opinion and Order* was inadvertently placed back in the rules.

53. On May 23, 2001, M/A-COM Private Radio Systems, Inc. (M/A-COM) filed a Petition for Declaratory Ruling, requesting that we clarify that the spectral efficiency requirement should no longer be in § 90.203(k) of the rules. M/A-COM notes that this section is incorrect because of the two rule making items adopted by the Commission that were published in the **Federal Register** out of sequence. We are correcting this section by deleting the spectral efficiency requirement that was removed by the *Memorandum Opinion and Order*, and are therefore in effect granting M/A-COM's petition.

#### Changes to Part 95

54. Section 95.1115(b) specifies the out-of-band field strength limits for transmitters operating in the Wireless Medical Telemetry Service. We are correcting two typographical errors in this section that arose when the rules

were published in the **Federal Register**. Specifically, we are correcting the field strength units of measurement to read "µV/m", rather than "µ/m" and "µm" as they currently appear in the rules. Because these are editorial changes, they can be made without notice and comment.

#### Final Regulatory Flexibility Analysis.

55. As required by the Regulatory Flexibility Act (RFA),<sup>1</sup> an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rule Making and Order, Review of Part 15 and other Parts of the Commission's Rules (NPRM)*.<sup>2</sup> The Commission sought written public comments on the proposals in the Notice, including comment on the IRFA.<sup>3</sup> This Final Regulatory Flexibility Analysis conforms to the RFA.<sup>4</sup>

#### A. Need for, and Objectives of, the Second Report and Order and Memorandum Opinion and Order

56. Section 11 of the Communications Act of 1934, as amended, and section 202(h) of the Telecommunications Act of 1996 require the Commission (1) to review biennially its regulations pertaining to telecommunications service providers and broadcast ownership; and (2) to determine whether economic competition has made those regulations no longer necessary in the public interest. The Commission is directed to modify or repeal any such regulations that it finds are no longer in the public interest.

57. As part of the biennial review for the year 2000, the Commission reviewed its regulations pertaining to telecommunications service providers and broadcast ownership and recommended a number of changes to those rules. While not specifically required by statute, the Commission also reviewed parts 2, 15 and 18 as part of this process.

58. The Second Report and Order and Memorandum Opinion and Order makes several changes to part 15 and other parts of the rules. Specifically, it:

(1) Relaxes the restricted band emission limits for the second and third harmonics of low-power transmitters operating in the 24.0–24.25 GHz band.

<sup>1</sup> See 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>2</sup> See *Notice of Proposed Rule Making and Order* in ET Docket No. 01–278, 16 FCC Rcd 18205 (2001).

<sup>3</sup> *Id.*

<sup>4</sup> See 5 U.S.C. 604. We also note that, given the deregulatory nature of our action, we may certify this action under 5 U.S.C. 605.