

stations transmitting to Federal government space stations. The Commission proposed to allocate the band 410–420 MHz to the SRS (space-to-space) on a primary basis for Federal government use and to limit its use, through the application of footnote 5.268, to permit communications among astronauts and their base spacecraft while those astronauts are performing activities outside the base spacecraft. In the band 7750–7850 MHz, the Commission proposed an allocation for Federal government METSAT downlink use, limited to NGSO satellites, as requested by NTIA. In the band 8400–8450 MHz, the Commission proposed an allocation for Deep Space downlinks on a secondary basis, to permit non-Federal government entities, such as educational institutions, to perform scientific research in cooperation with the National Aeronautics and Space Administration (“NASA”). In the 32 GHz band range, the Commission proposed to delete the unused ISS allocation from the band 32–32.3 GHz in order to protect deep space reception at Goldstone, California, and proposed to move the text of an international footnote into a U.S. footnote to reflect the anticipated prohibition on use of the band 32–32.3 GHz by the ISS. Finally, in the 34 GHz frequency range, the Commission proposed to move the SRS (deep space) (Earth-to-space) allocation at 34.2–34.7 GHz from a U.S. footnote into the U.S. Table as a direct Table allocation, with Federal government use on a primary basis and with non-Federal government use on a secondary basis; and proposed to move the Goldstone site restriction in that same band from footnote US252 to US262.

25. *Decision.* We are adopting the proposals to provide a primary Federal government allocation and a secondary non-Federal government allocation for EESS (active) and SRS (active) in the band 1215–1260 MHz. With regard to Lockheed Martin’s concerns that a primary allocation for EESS (active) and SRS (active) would pose a threat of harmful interference to domestic and global RNSS, we disagree. First, we are adding international footnote 5.332, which states that, for the band 1215–1260 MHz, active spaceborne sensors in the EESS and SRS shall not cause harmful interference to, claim protection from, or otherwise impose constraints on operation or development of the radiolocation service, the RNSS and other services allocated on a primary basis. Second, we observe that the international frequency table already contains primary allocations for RNSS, EESS (active) and SRS (active) in the

band 1215–1300 MHz. Thus, if the U.S., in the future, decides to add a primary RNSS allocation to the 1260–1300 MHz band, such a decision would be consistent with the existing international allocation. Any appropriate sharing criteria can be worked out at that time. With regard to Medtronic Inc.’s recommendation that non-Federal government use of the EESS and METSAT allocations in the band 401–403 MHz be limited to earth stations transmitting to Federal government space stations, no party supports permitting earth stations to transmit to non-Federal government space stations in this band and we did not propose such use. Accordingly, we decline to permit that use.

F. The Band 25.25–27.5 GHz

26. *Proposals.* In the *NPRM*, the Commission noted that there are currently no FCC licensees using the secondary EESS allocation in the band 25.25–27.5 GHz and proposed to: (1) generally reflect changes previously made to the Federal government Table in the *NTIA Manual*, including adopting a primary ISS allocation in that band and changing the directional indicator for the secondary EESS allocation in the sub-band 25.5–27 GHz from space-to-space to space-to-Earth; (2) correspondingly change the directional indicator for the secondary non-Federal government EESS allocation in that sub-band; (3) upgrade the Federal government EESS allocation in that sub-band to primary status; and (4) delete the remainder of the secondary EESS allocation (25.25–25.5 GHz and 27–27.5 GHz).

27. *Decision.* We are adopting the proposals pertaining to the band 25.25–27.5 GHz set forth in the *NPRM*, except that we are maintaining, rather than deleting, the secondary non-Federal government allocation for the EESS (space-to-space) in that band. We take the latter action to allow flexibility for both space-to-space and space-to-Earth operations by Federal and non-Federal government users in that band. With respect to DigitalGlobe Inc.’s and Space Imaging, LLC’s concerns about non-Federal government EESS systems, we find that these two companies have presented evidence that the non-Federal government, as well as the Federal government, EESS allocation in the sub-band 25.5–27 GHz band should be upgraded to primary status, but we conclude that we have insufficient basis to upgrade that allocation at this time. The *NPRM* did not propose to upgrade the non-Federal government allocation, and “based on the limited record in this proceeding “we are unable to

conclusively determine whether Federal government fixed, mobile, ISS, and EESS users of the sub-band 25.5–27 GHz would be adversely affected by this upgrade. Accordingly, we decline to take that action at this time. However, we plan to explore in the WRC–03 implementation proceeding referenced in paragraph 24, of the R&O, whether that change could be made without adversely impacting Federal government users of that sub-band. In the interim, because non-Federal government EESS providers will use that sub-band on a secondary basis to Federal government users, it is incumbent that EESS applicants coordinate their proposed operations with NTIA in order to protect those users. Accordingly, we are adopting the changes for the band 25.25–27.5 GHz proposed in the *NPRM*, except for maintaining the secondary non-Federal government allocation for the EESS (space-to-space) in that band.

G. Other Allocation Issues

(1) Secondary AMS(R)S Allocation in the Band 136–137 MHz

28. *Proposals.* The *NPRM* proposed a footnote change in the U.S. Table in order to delete the unused AMS(R)S allocation from the band 136–137 MHz. In addition, the *NPRM* proposed a footnote change to remove the expired transition plan for METSAT use of the band 136–137 MHz.

29. *Decision.* No party commented on the proposals pertaining to the band 136–137 MHz set forth in the *NPRM*. We are adopting these proposals. This action will bring the U.S. Table in the band 136–137 MHz into conformance with the band’s use by the AM(R)S, remove the potentially conflicting AMS(R)S secondary allocation, and remove the expired transition plan for METSAT use of the band.

(2) The Band 420–450 MHz

30. *Proposals.* In the *NPRM*, the Commission, in response to a request from NTIA on behalf of the U.S. Army, proposed to modify footnotes to the U.S. Table to more than double the combined size of the geographical area in Texas and New Mexico where the maximum transmitter power that amateur radio stations may use in the band 420–450 MHz would generally be limited to 50 watts PEP, rather than the usual limit of 1.5 kW PEP. In its request to the Commission, NTIA states that this geographical area must be extended to prevent interference from amateur radio operations to a New Mexico missile test range. NTIA cites Army concerns that amateur operations in this area present an interference threat to missiles