

launched at Fort Wingate, NM, aimed at the airspace over White Sands Missile Range, NM, because there is now a Department of Defense test and evaluation center that uses areas west and south of Albuquerque, NM. Also in response to a request from NTIA, the Commission stated that it intended to place an informational footnote in its Rules pertaining to Federal government wind profiler radar ("WPR") radiolocation use of the sub-band 448–450 MHz. Finally, the *NPRM* requested comment on whether non-Federal government WPRs should also be allowed in that sub-band on either a primary or secondary basis and on the impact of WPRs on non-Federal government operations permitted in that sub-band.

31. *Decision.* We are adopting the proposals pertaining to the band 420–450 MHz set forth in the *NPRM*. With regard to the recommendation of ARRL, the National Association for Amateur Radio ("ARRL"), that the Commission establish an expedited method of processing amateur radio license requests in cases where amateurs are able to reach agreements with military area frequency coordinators, we note that our license processing procedures are not subject to rulemaking; however, we always seek to process applications as expeditiously as possible. With regard to the concern of Douglas Hanz—an amateur radio licensee—that amateur radio stations be permitted to use 110 watts PEP in that band with a restriction of 6dBi antenna gain, inclusive of transmission line loss, we observe that there already is a procedure by which amateur licensees can use powers greater than 50 watts; *i.e.*, by reaching agreement with a military area frequency coordinator. As indicated in NTIA's correspondence to us of August 2002, the Army finds that the area in Texas and New Mexico where amateur transmitter power in the band must be limited should be expanded to protect missile testing and evaluation at a test range in New Mexico. Accordingly, we are adopting our proposal to modify footnotes to the U.S. Table to expand the 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. With regard to permitting non-Federal government WPR use of the sub-band 448–450 MHz, only ARRL commented, and it is strongly opposed. Because no one expresses an interest in such non-Federal use, we will not permit non-Federal government WPR use in the 448–450 MHz sub-band.

(3) On-Board Mobile Radiotelephony Communications

32. *Proposals.* In the *NPRM*, the Commission proposed to replace international footnote 669 with footnote 5.287 in the U.S. Table for the band 456–470 MHz. The effect of this proposal would be to permit U.S. licensees to use maritime mobile equipment that is more spectrum-efficient and that has access to ten instead of six channels for on-board communications in areas outside U.S. territorial waters.

33. *Decision.* No party commented on our proposal to replace international footnote 669 with footnote 5.287 in the U.S. Table for the band 456–470 MHz, thereby revising the frequency use provision for on-board mobile radiotelephony maritime communications. Accordingly we are adopting this proposal. This action will permit more efficient maritime mobile equipment to be employed outside U.S. territorial waters.

(4) IFPRS Use in the Bands 2.1–2.2 GHz and 10.7–11.7 GHz

34. *Proposals.* In the *NPRM*, the Commission, in order to remove regulations that are no longer needed, proposed to delete footnote NG23, which pertains to the band 2100–2200 MHz, and to revise footnote NG41 to remove the band 10.7–11.7 GHz because there are no longer any IFPRS licensees operating in either of these bands. The Commission also proposed to delete all cross-references to part 23, except for C-band, from column 6 of the Table of Frequency Allocations.

35. *Decision.* We are adopting the proposals pertaining to the IFPRS set forth in the *NPRM*, but are rejecting the recommendation of the PanAmSat Corporation ("PanAmSat") to prohibit new C-band IFPRS facilities. There is no opposition to the proposals relating to the IFPRS; however, PanAmSat recommends that we take additional action. While we concur with PanAmSat that new IFPRS facilities are unlikely to be required in C-band, we do not want to foreclose the opportunity for additional use of this service in remote island areas if it is required. Further, we have not given interested parties sufficient notice in this proceeding to prohibit such facilities. Additionally, there would be no significant administrative advantage of such a prohibition, as C-band IFPRS rules must be retained for existing facilities. Accordingly, we deny PanAmSat's request.

(5) Secondary MSS Use of the Band 14–14.5 GHz

36. *Proposals.* In the *NPRM*, the Commission observed that LMSS operates on the band 14–14.5 GHz in the United States on a secondary basis without causing harmful interference to ubiquitously deployed VSATs and that other nations have implemented MMSS uplinks in the band 14–14.5 GHz on a secondary basis. The Commission also observed that it agreed with the *U.S. WRC-97 Proposals* that using the same or similar terminals to offer MMSS services in the band 14–14.5 GHz should be compatible with other services in this band, especially since the LMSS allocation has been successfully used in the United States for some time. Accordingly, the Commission proposed in the *NPRM* to allocate the band 14–14.5 GHz to the MSS (Earth-to-space) except AMSS on a secondary basis for non-Federal government use.

37. *Decision.* We are allocating the band 14–14.5 GHz to the MSS, including AMSS (Earth-to-space), for non-Federal government use on a secondary basis. There is no opposition to this allocation. Consistent with the comments of Boeing regarding AMSS, we believe that such use of the band appears to be technically feasible and would be helpful in meeting the growing demand for two-way broadband data and communications capabilities for commercial aircraft passengers and crew. Further, WRC-03 added a worldwide secondary AMSS allocation in this band. We find that conforming the U.S. Table to this recent international allocation is desirable because it will facilitate an important new use of the 14–14.5 GHz band on a non-interference basis to other uses of the band. We further find that no party need be adversely impacted by this action. However, we note that the SRS has a secondary allocation in a portion of this band and NASA uses that allocation as a downlink for its Tracking and Data Relay Satellite System ("TDRSS"). Further, the National Science Foundation ("NSF") operates radio astronomy services ("RAS") in the band 14.47–14.50 GHz in accordance with footnote US203 and Radio Astronomy is allocated on a secondary basis internationally. Therefore, users of AMSS will need to deal with protection of radio astronomy. We also note that a number of administrations have specified specific protection requirements for radio astronomy. In December 2001, we issued Boeing a license to operate mobile earth stations aboard aircraft in the 14–14.5 GHz band