

NEXRAD expansion band from 2900–3100 MHz to 2900–3000 MHz;

(3) Delete the references to footnote NG30 in the band 806–894 MHz and to footnote NG43 in the band 806–849 MHz from the non-Federal Government Table because these footnotes have previously been deleted, but were not fully removed from the non-Federal Government Table;

(4) Delete footnote NG63 because the Commission's licensing files show that there are no television broadcast translator stations still authorized to operate in the band 806–890 MHz (old TV channels 70–83); and

(5) Delete footnote US54 because Federal government radiolocation systems that could cause harmful interference to ARNS have had at least since 1961 to move to other frequency bands.

49. Tenth, the Commission proposed to replace the reference to international footnote 5.149 with footnote US342 in the U.S. Table for several frequency bands and proposed to add two additional bands to the text of that footnote. In addition, it proposed to delete footnote 5.149 from the band 1660.5–1668.4 MHz, and proposed to revise US342 by deleting the indication showing which frequency bands are used for spectral line observations. The Commission also requested comment on whether US342 could be revised to state that licensees are “urged,” (similar to footnote 5.149) instead of “required” to take all practicable steps to protect the radio astronomy service (“RAS”) from harmful interference.

50. Finally, the Commission observed that the band 73–74.6 MHz is allocated exclusively to the RAS, which is a passive service, and that passive bands are listed in footnote US246. Accordingly, it proposed to add the band 73–74.6 MHz to US246.

51. *Decision.* No party commented on any of the proposals pertaining to ministerial amendments to part 2 of the Commission's rules set forth in the *NPRM*. We are adopting these proposals, to enhance the accuracy of the U.S. Table. In addition, on our own motion, we are making nine additional ministerial changes. We are merging the bands 698–746 MHz and 746–764 MHz as the band 698–764 MHz because the allocations in these bands are exactly the same and thus, this action simplifies our Table. We are deleting the band 34.2–34.7 GHz from footnote US252 because the SRS allocation for this band has been made a direct Table allocation. We are deleting the obsolete list of coordinated observatories from footnote US277 and are instead cross referencing the list of observatories in footnote

US355. We are correcting footnote US355 in order to use the proper symbols for degree, minute, and second. We remove the “S” reference in footnote US303 to make the cross-reference to ITU Radio Regulation No. 21.16 consistent with current practice. We are updating footnote NG114 to refer to the Public Mobile Service, not the Domestic Public Service, which no longer exists. At the request of NTIA, we are adding footnote 5.391, which prohibits high-density mobile systems, to the band 2200–2290 MHz, which is Federal government exclusive band. We are adding cross reference to the Aviation Services (part 87) in the bands 2310–2320 MHz and 2345–2385 MHz. We also remove those footnotes to the Table of Frequency Allocations that are no longer in effect because they have been suppressed in the *ITU Radio Regulations*. These additional ministerial actions will update and otherwise remove errors from the U.S. Table.

#### Final Regulatory Flexibility Certification

52. The Regulatory Flexibility Act of 1980, as amended (“RFA”) requires that a final regulatory analysis be prepared for notice-and-comment rule making proceedings, unless the agency certifies that the “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A “small business concern” is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (“SBA”).

53. The Report and Order amends parts 2, 25, and 87 of our rules in order to implement domestically various allocation decisions from several World Radiocommunication Conferences concerning the frequency bands between 28 MHz and 36 GHz and to otherwise update our rules in this frequency range. These allocations mainly affect Federal agencies. Those allocations that are most significant to non-Federal government operations are: (1) Implementing generic L-band MSS allocations; (2) allocating the band 1164–1189 MHz to the RNSS; and (3) deleting unused and limited FSS and BSS allocations from the band 2500–

2690 MHz. Concerning L-band MSS, currently there is only one U.S. licensee. Concerning the RNSS allocation, only one or at most a few large companies are expected to be able to launch and maintain RNSS systems, which are expensive. The last action merely deletes unused allocations, with no direct effect on licensees or regulatees.

54. We have determined that the rules adopted in this R&O will not have a significant economic impact on a substantial number of small entities. Accordingly, we hereby certify that this R&O will not have a significant economic impact on a substantial number of small entities. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this R&O, including this certification, to the Chief Counsel for Advocacy of the Small Business Administration.

#### Ordering Clauses

55. Pursuant to sections 1, 4, 301, 302(a), 303, 307, 309, 316, 332, 334, and 336 of the Communications Act of 1934, as amended, 47 U.S.C. sections 151, 154, 301, 302(a), 303, 307, 309, 316, 332, 334, and 336, the Report and Order and final rules are adopted.

56. The late-filed comments of DigitalGlobe, Inc. to the *Notice of Proposed Rule Making* in this proceeding are accepted.

57. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Report and Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

58. This proceeding is terminated.

#### List of Subjects

##### 47 CFR Part 2

Communications equipment, Radio.

##### 47 CFR Part 25

Communications equipment, Satellites.

##### 47 CFR Part 87

Air transportation.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

#### Final Rules

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 2, 25, and 87 as follows: