

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[WV050-6029b; FRL-7504-1]

**Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Particulate Matter Air Pollution From Manufacturing Processes and Associated Operations****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of West Virginia for the purpose of establishing regulations for the prevention and control of particulate matter air pollution from manufacturing processes and associated operations. In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A more detailed description of the State submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by July 3, 2003.

**ADDRESSES:** Written comments should be addressed to Makeba Morris, Chief, Air Quality Planning and Information Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; West Virginia Department of Environmental Protection, Division of Air Quality, 7012

MacCorkle Avenue, SE., Charleston, WV 25304-2943.

**FOR FURTHER INFORMATION CONTACT:**Kathleen Anderson, (215) 814-2173, or by e-mail at [anderson.kathleen@epa.gov](mailto:anderson.kathleen@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: May 20, 2003.

**Abraham Ferdas,***Acting Regional Administrator, Region III.*

[FR Doc. 03-13710 Filed 6-2-03; 8:45 am]

**BILLING CODE 6560-50-P****ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[PA158-4206b; FRL-7504-5]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Removal of Alternative Emission Reduction Limitations****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania for the purpose of removing alternative emission reduction limitations for eight facilities. In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by July 3, 2003.

**ADDRESSES:** Written comments should be addressed to Makeba Morris, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency,

Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:**Kathleen Anderson, (215) 814-2173, or by e-mail at [anderson.kathleen@epa.gov](mailto:anderson.kathleen@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: May 20, 2003.

**Abraham Ferdas,***Acting Regional Administrator, Region III.*

[FR Doc. 03-13712 Filed 6-2-03; 8:45 am]

**BILLING CODE 6560-50-P****FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 2**

[ET Docket No. 03-102 and 99-261; FCC 03-90]

**Above 76 GHz****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document seeks comment on reallocate spectrum in the 76-81 GHz frequency and the frequency bands above 95 GHz to make the domestic and international frequency allocation changes consistent with each other. The realignment is consistent with change made at the 2000 World Radiocommunication Conference (WRC-2000). The primary intent of WRC-2000 was to place scientific services, such as Earth-exploration satellite (EES) and radio astronomy (RAS) services in spectrum better suited to their needs. This document also seeks comment on adopting the limit for maximum power spectral density that can be delivered to a fixed service transmitter antenna set forth in the U.S. proposal to WRC-2000.

**DATES:** Written comments are due August 4, 2003, and reply comments are due September 2, 2003.

**FOR FURTHER INFORMATION CONTACT:** Shameeka Parrott, Office of Engineering and Technology, (202) 418-2062, email: [sparrott@fcc.gov](mailto:sparrott@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rulemaking*, ET Docket No. 03-102 and 99-261, FCC 03-90, adopted April 16, 2003, and released April 28, 2003. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room, CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternate formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before August 4, 2003, and reply comments on or before September 2, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121, May 1, 1998. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

#### Summary of the Notice of Proposed Rule Making

##### *Reallocation of the Frequency Bands Above 76 GHz*

1. The primary need for realigning spectrum above 76 GHz is to accommodate the requirements of the RAS and EESS services. Specifically, RAS must operate in bands that meet the requirements for spectral line and wideband continuum observations. Additionally, the EESS must operate in bands that are optimal for microwave limb sounding and nadir sounding of water vapor and other atmospheric constituents. Therefore, we proposed to incorporate WRC-2000 changes into our domestic frequency allocation table. Consistent with proposed allocation changes, we proposed to update several footnotes in the Table (US74, US211, US246, US263, and US342) to incorporate proposed bands which footnotes apply. Also, we proposed to replace international footnote 5.340 and 5.149 with U.S. footnotes US246 and US342, respectively and apply these footnotes to additional bands. Finally, to make the U.S. Table consistent with WRC-2000 changes, we proposed to remove nine U.S. footnotes that were adopted in a previous Commission proceeding. We seek comments on the proposed changes.

##### *Maximum Power Density in the Band 55.78-56.26 GHz*

2. We proposed to adopt the U.S. proposal of -28.5 dB (W/MHz)

domestically as the maximum power spectral density limit delivered to fixed service transmitter antennas at 55.78-56.26 GHz. This was proposed due to WRC-200 adopting a higher power density limit of -26 dB, which NTIA believes is unacceptable for domestic use. The tighter limit proposed by the U.S. since passive measurements are extremely vulnerable to interference due to the variability of the atmosphere. A new U.S. footnote was proposed to reflect the proposed change in power spectral density limit.

3. We seek comment on the proposed power spectral density limit. Commenters should address the power spectral density in terms of its ability to protect EESS and its impact on equipment development, as well as, alternative power limits for the 55 GHz systems that would provide the same overall protection to EESS services. Commenters should address the impact of this limit on other services in the band.

#### Initial Regulatory Flexibility Certification

4. The Regulatory Flexibility Act of 1980, as amended (RFA),<sup>1</sup> requires that regulatory flexibility analyses be prepared for notice-and-comment rule making proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."<sup>2</sup> The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."<sup>3</sup> In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.<sup>4</sup> 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).<sup>5</sup>

<sup>1</sup> See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104-121, Title II, 110 Stat. 857 (1996).

<sup>2</sup> 5 U.S.C. 605(b).

<sup>3</sup> 5 U.S.C. 601(6).

<sup>4</sup> 5 U.S.C. 601(3) (incorporating by reference the definition of "small-business concern" in the Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the *Federal Register*."

<sup>5</sup> 15 U.S.C. 632.

5. In this proposed rule, we propose to realign allocations in the bands 76–81 GHz and 95–1000 GHz consistent with the international allocation changes obtained at WRC–2000. This proposal would align passive allocations for RAS and Earth-exploration satellite services with spectrum that is more suited for such operations and would continue the Commission’s efforts to promote the commercial development and growth of the “millimeter wave” spectrum, which will provide for future developments in technology and equipment. We also propose to adopt domestically the United States proposal at WRC–2000 in regards to the maximum power density delivered by a transmitter to the antenna of a fixed service in the 55.78–56.26 GHz band. This proposal will protect EESS from unaccepted interference from fixed and mobile operations. These proposed changes will not cause a significant adverse economic impact to small entities because there are no

licensed commercial uses above 76 GHz; that is, no incumbent licensees will be affected. Service rules will be adopted in later proceedings, as appropriate.

6. Therefore, we certify that the proposals in the NPRM, if adopted, will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the NPRM, including a copy of the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the SBA.<sup>6</sup>

#### List of Subjects in 47 CFR Part 2

Radio.

Federal Communications Commission

**Marlene H. Dortch,**

*Secretary.*

#### Proposed Rules

For the reasons discussed in the preamble, the Federal Communications

<sup>6</sup> 5 U.S.C. 605(b).

Commission proposes to amend 47 CFR part 2 as follows:

### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

**Authority:** 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

2. Amend § 2.106 as follows:

a. Revise pages 79 and 81 through 90 of the Table.

b. In the list of United States footnotes, revise footnotes US74, US211, US246, US263, and US342; delete US369, US370, US371, US372, US373, US374, US375, US376, and US377.

c. In the list of United States footnotes, add footnote USXXX.

The additions and revisions read as follows:

#### § 2.106 Table of Frequency Allocations.

\* \* \* \* \*

50.2-65 GHz (EHF)			United States Table		FCC Rule Part(s)
International Table		Region 3	Federal Government	Non-Federal Government	
Region 1	Region 2	Region 3			
50.2-50.4 EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive)			50.2-50.4 EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive)		
5.340 5.555A			US246		
50.4-51.4 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE Mobile-satellite (Earth-to-space)			50.4-51.4 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space)	50.4-51.4 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space)	
51.4-52.6 FIXED MOBILE			G117		
5.547 5.556			51.4-52.6 FIXED MOBILE		
52.6-54.25 EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive)			52.6-54.25 EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive)		
5.340 5.556			US246		
54.25-55.78 EARTH EXPLORATION-SATELLITE (passive) INTER-SATELLITE 5.556A SPACE RESEARCH (passive)			54.25-55.78 EARTH EXPLORATION-SATELLITE (passive) INTER-SATELLITE 5.556A SPACE RESEARCH (passive)		
5.556B					
55.78-56.9 EARTH EXPLORATION-SATELLITE (passive) FIXED 5.557A INTER-SATELLITE 5.556A MOBILE 5.558 SPACE RESEARCH (passive)			55.78-56.9 EARTH EXPLORATION-SATELLITE (passive) FIXED USxxx INTER-SATELLITE 5.556A MOBILE 5.558 SPACE RESEARCH (passive)		
5.547 5.557			US263 US353		
56.9-57 EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE 5.558A MOBILE 5.558 SPACE RESEARCH (passive)			56.9-57 EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE G128 MOBILE 5.558	56.9-57 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE 5.558 SPACE RESEARCH	

65-86 GHz (EHF)		Page 81	
International Table		United States Table	
Region 1	Region 2	Federal Government	Non-Federal Government
Region 3		FCC Rule Part(s)	
65-66 EARTH EXPLORATION-SATELLITE FIXED INTER-SATELLITE MOBILE except aeronautical mobile SPACE RESEARCH		65-66 EARTH EXPLORATION-SATELLITE FIXED MOBILE except aeronautical mobile SPACE RESEARCH	65-66 EARTH EXPLORATION-SATELLITE FIXED INTER-SATELLITE MOBILE except aeronautical mobile SPACE RESEARCH
5.547			
66-71 INTER-SATELLITE MOBILE 5.553 5.558 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE		66-71 MOBILE 5.553 5.558 MOBILE-SATELLITE RADIONAVIGATION-SATELLITE	66-71 INTER-SATELLITE MOBILE 5.553 5.558 MOBILE-SATELLITE RADIONAVIGATION-SATELLITE
5.554		5.554	5.554
71-74 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE MOBILE-SATELLITE (space-to-Earth)		71-74 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space)	
5.554		5.554	
74-76 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE BROADCASTING BROADCASTING-SATELLITE Space research (space-to-Earth)		74-75.5 FIXED FIXED-SATELLITE (Earth-to-space) US297 MOBILE 75.5-76	
5.559A 5.561			
76-77.5 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite Space research (space-to-Earth)		76-77.5 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite Space research (space-to-Earth)	76-77.5 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite Space research (space-to-Earth)
5.149		US342	US342
			Amateur (97)

<p>77.5-78 AMATEUR AMATEUR-SATELLITE Radio astronomy Space research (space-to-Earth)</p>	<p>77.5-78 Radio astronomy Space research (space-to-Earth)</p>	<p>77.5-78 AMATEUR AMATEUR-SATELLITE Radio astronomy Space research (space-to-Earth)</p>	<p>Amateur (97)</p>
<p>5.149 78-79 RADIOLOCATION Amateur Amateur-satellite Radio astronomy Space research (space-to-Earth)</p>	<p>US342 78-79 RADIO ASTRONOMY RADIOLOCATION Space research (space-to-Earth)</p>	<p>US342 78-79 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite Space research (space-to-Earth)</p>	
<p>5.149 5.560 79-81 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite Space research (space-to-Earth)</p>	<p>5.560 US342 79-81 RADIO ASTRONOMY RADIOLOCATION Space research (space-to-Earth)</p>	<p>5.560 US342 79-81 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite Space research (space-to-Earth)</p>	
<p>5.149 81-84 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY Space research (space-to-Earth)</p>	<p>US342 81-84 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE MOBILE-SATELLITE (space-to-Earth)</p>		
<p>5.149 5.561A 84-86 FIXED FIXED SATELLITE (Earth-to-space) 5.561B MOBILE RADIO ASTRONOMY</p>	<p>84-86 FIXED MOBILE</p>	<p>84-86 FIXED MOBILE BROADCASTING- BROADCASTING- SATELLITE</p>	
<p>5.149</p>	<p>US211 US377</p>	<p>US211 US377</p>	

International Table		86-116 GHz (EHF)		United States Table		FCC Rule Part(s)
		Region 1	Region 2	Region 3	Federal Government	
86-92	EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)				86-92 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive)	
5.340					US246	
92-94	FIXED MOBILE RADIO ASTRONOMY RADIOLOCATION				92-95 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIOLOCATION	
5.149						
94-94.1	EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION SPACE RESEARCH (active) Radio astronomy					
5.562 5.562A						
94.1-95	FIXED MOBILE RADIO ASTRONOMY RADIOLOCATION					
5.149						
95-100	FIXED MOBILE RADIO ASTRONOMY RADIOLOCATION RADIOLOCATION RADIOLOCATION RADIOLOCATION-SATELLITE				US342 95-100 FIXED MOBILE RADIO ASTRONOMY RADIOLOCATION RADIOLOCATION RADIOLOCATION-SATELLITE	
5.149 5.554					5.554 US342	
100-102	EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)				100-102 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive)	
5.340 5.341					5.341 US246	

102-105 FIXED MOBILE RADIO ASTRONOMY 5.149 5.341	102-105 FIXED MOBILE RADIO ASTRONOMY 5.341 US342
105-109.5 FIXED MOBILE RADIO ASTRONOMY SPACE RESEARCH (passive) 5.562B 5.149 5.341	105-109.5 FIXED MOBILE RADIO ASTRONOMY SPACE RESEARCH (passive) 5.562B 5.341 US342
109.5-111.8 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 5.340 5.341	109.5-111.8 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive) 5.341 US246
111.8-114.25 FIXED MOBILE RADIO ASTRONOMY SPACE RESEARCH (passive) 5.562B 5.149 5.341	111.8-114.25 FIXED MOBILE RADIO ASTRONOMY SPACE RESEARCH (passive) 5.562B 5.341 US342
114.25-116 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 5.340 5.341	114.25-116 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive) 5.341 US246

116-164 GHz (EHF)		Page 85	
International Table		United States Table	
Region 1	Region 2	Federal Government	Non-Federal Government
Region 3			
116-119.98 EARTH EXPLORATION-SATELLITE (passive) INTER-SATELLITE 5.562C SPACE RESEARCH (passive)		116-122.25 EARTH EXPLORATION-SATELLITE (passive) INTER-SATELLITE 5.562C SPACE RESEARCH (passive)	ISM Equipment (18)
5.341			
119.98-122.25 EARTH EXPLORATION-SATELLITE (passive) INTER-SATELLITE 5.562C SPACE RESEARCH (passive)			
5.138 5.341		5.138 5.341 US211	
122.25-123 FIXED INTER-SATELLITE MOBILE 5.558 Amateur		122.25-123 FIXED INTER-SATELLITE MOBILE 5.558 Amateur	ISM Equipment (18) Amateur (97)
5.138		5.138	
123-130 FIXED SATELLITE (space-to-Earth) MOBILE-SATELLITE (space-to-Earth) RADIONAVIGATION RADIONAVIGATION-SATELLITE Radio astronomy 5.562D		123-130 FIXED-SATELLITE (space-to-Earth) MOBILE-SATELLITE (space-to-Earth) RADIONAVIGATION RADIONAVIGATION-SATELLITE Radio astronomy	
5.149 5.554		5.554 US211 US342	
130-134 EARTH EXPLORATION-SATELLITE (active) 5.562E FIXED INTER-SATELLITE MOBILE 5.558 RADIO ASTRONOMY		130-134 EARTH EXPLORATION-SATELLITE (active) 5.562E FIXED INTER-SATELLITE MOBILE 5.558 RADIO ASTRONOMY	
5.149 5.562A		5.562A US342	
134-136 AMATEUR AMATEUR-SATELLITE Radio astronomy		134-136 Radio astronomy	Amateur (97)
		134-136 AMATEUR AMATEUR-SATELLITE Radio astronomy	

136-141 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite	136-141 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite	136-141 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite	Amateur (97)
5.149	US342	US342	
141-148.5 FIXED MOBILE RADIO ASTRONOMY RADIOLOCATION	141-148.5 FIXED MOBILE RADIO ASTRONOMY RADIOLOCATION		
5.149	US342		
148.5-151.5 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)	148.5-151.5 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive)		
5.340	US246		
151.5-155.5 FIXED MOBILE RADIO ASTRONOMY RADIOLOCATION	151.5-155.5 FIXED MOBILE RADIO ASTRONOMY RADIOLOCATION		
5.149	US342		
155.5-158.5 EARTH EXPLORATION-SATELLITE (passive) 5.562F FIXED MOBILE RADIO ASTRONOMY SPACE RESEARCH (passive) 5.562B	155.5-158.5 EARTH EXPLORATION-SATELLITE (passive) 5.562F FIXED MOBILE RADIO ASTRONOMY SPACE RESEARCH (passive) 5.562B		
5.149 5.562G 158.5-164 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE MOBILE-SATELLITE (space-to-Earth)	5.562G US342 158.5-164 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE MOBILE-SATELLITE (space-to-Earth)		
	US211		

164-217 GHz (EHF)			Page 87	
International Table		United States Table		FCC Rule Part(s)
Region 1	Region 2	Federal Government	Non-Federal Government	
164-167 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)	Region 3	164-167 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive)		
5.340		US246		
167-174.5 FIXED FIXED-SATELLITE (space-to-Earth) INTER-SATELLITE MOBILE 5.558		167-174.5 FIXED FIXED-SATELLITE (space-to-Earth) INTER-SATELLITE MOBILE 5.558		
5.149 5.562D		US211		
174.5-174.8 FIXED INTER-SATELLITE MOBILE 5.558		174.5-174.8 FIXED INTER-SATELLITE MOBILE 5.558		
174.8-182 EARTH EXPLORATION-SATELLITE (passive) INTER-SATELLITE 5.562H SPACE RESEARCH (passive)		174.8-182 EARTH EXPLORATION-SATELLITE (passive) INTER-SATELLITE 5.562H SPACE RESEARCH (passive)		
182-185 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)		182-185 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)		
5.340 5.563		US246		

185-190 EARTH EXPLORATION-SATELLITE (passive) INTER-SATELLITE 5.562H SPACE RESEARCH (passive)	185-190 EARTH EXPLORATION-SATELLITE (passive) INTER-SATELLITE 5.562H SPACE RESEARCH (passive)
190-191.8 EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive)	190-191.8 EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive)
5.340 191.8-200 FIXED INTER-SATELLITE MOBILE 5.558 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE	US246 191.8-200 FIXED INTER-SATELLITE MOBILE 5.558 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE
5.149 5.341 5.554 200-202 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)	5.341 5.554 US211 200-209 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive)
5.340 5.341 5.563A 202-209 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)	5.341 5.563A US246 209-217 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY
5.340 5.341 5.563A 209-217 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY	5.341 US342

International Table		217-1000 GHz (EHF)		United States Table		FCC Rule Part(s)
		Region 1	Region 2	Region 3	Federal Government	
217-226 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY SPACE RESEARCH (passive) 5.562B			217-226 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY SPACE RESEARCH (passive) 5.562B			
5.149 5.341			5.341 US342			
226-231.5 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)			226-231.5 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)			
5.340			US246			
231.5-232 FIXED MOBILE Radiolocation			231.5-232 FIXED MOBILE Radiolocation			
232-235 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE Radiolocation			232-235 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE Radiolocation			
235-238 EARTH EXPLORATION-SATELLITE (passive) FIXED-SATELLITE (space-to-Earth) SPACE RESEARCH (passive)			235-238 EARTH EXPLORATION-SATELLITE (passive) FIXED-SATELLITE (space-to-Earth) SPACE RESEARCH (passive)			
5.563A 5.563B			5.563A 5.563B			
238-240 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE RADIOLOCATION RADIO NAVIGATION RADIO NAVIGATION-SATELLITE			238-240 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE RADIOLOCATION RADIO NAVIGATION RADIO NAVIGATION-SATELLITE			
240-241 FIXED MOBILE RADIOLOCATION			240-241 FIXED MOBILE RADIOLOCATION			

241-248 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite	241-248 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite	241-248 RADIO ASTRONOMY RADIOLOCATION Amateur Amateur-satellite	ISM Equipment (18) Amateur (97)
5.138 5.149	5.138 US342	5.138 US342	
248-250 AMATEUR AMATEUR-SATELLITE Radio astronomy	248-250 Radio astronomy AMATEUR AMATEUR-SATELLITE Radio astronomy	248-250 AMATEUR AMATEUR-SATELLITE Radio astronomy	Amateur (97)
5.149	US342	US342	
250-252 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)	250-252 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive)	250-252 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive)	
5.340 5.563A	5.563A US246	5.563A US246	
252-265 FIXED MOBILE MOBILE-SATELLITE (Earth-to-space)	252-265 FIXED MOBILE MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY RADIO NAVIGATION RADIO NAVIGATION-SATELLITE	252-265 FIXED MOBILE MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY RADIO NAVIGATION RADIO NAVIGATION-SATELLITE	
5.149 5.554	5.554 US211 US342	5.554 US211 US342	
265-275 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY	265-275 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY	265-275 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIO ASTRONOMY	
5.149 5.563A	5.563A US342	5.563A US342	
275-1000 (Not allocated) 5.565	275-1000 (Not allocated) 5.565	275-1000 (Not allocated) 5.565	

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## United States (US) Footnotes

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US74 In the bands 25.55–25.67, 73.0–74.6, 406.1–410.0, 608–614, 1400–1427, 1660.5–1670.0, 2690–2700, and 4990–5000 MHz and in the bands 10.68–10.7, 15.35–15.4, 23.6–24.0, 31.3–31.5, 86–92, 100–102, 109.5–111.8, 114.25–116, 148.5–151.5, 164–167, 200–209, and 250–252, the radio astronomy service shall be protected from extraband radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with technical standards or criteria applicable to the service in which it operates. Radio astronomy observations in these bands are performed at the locations listed in US311.

\* \* \* \* \*

US211 In the bands 1670–1690, 5000–5250 MHz and 10.7–11.7, 15.1365–15.35, 15.4–15.7, 22.5–22.55, 24–24.05, 31.0–31.3, 31.8–32.0, 40.5–42.5, 84–86, 123–130, 158.5–164, 167–168, 191.8–200, and 252–265 GHz, applicants for airborne or space station assignments are urged to take all practicable steps to protect radio astronomy observations in the adjacent bands from harmful interference; however, US74 applies.

\* \* \* \* \*

US246 No station shall be authorized to transmit in the following bands: 608–614 MHz, except for medical telemetry equipment,<sup>7</sup> 1400–1427 MHz, 1660.5–1668.4 MHz, 2690–2700 MHz, 4990–5000 MHz, 10.68–10.7 GHz, 15.35–15.4 GHz, 23.6–24 GHz, 31.3–31.8 GHz, 50.2–50.4 GHz, 52.6–54.25 GHz, 86–92 GHz, 100–102 GHz, 109.5–111.8 GHz, 114.25–116 GHz, 148.5–151.5 GHz, 164–167 GHz, 182–185 GHz, 190–191.8 GHz, 200–209 GHz, 226–231.5 GHz, 250–252 GHz,

\* \* \* \* \*

US263 In the bands 21.2–21.4 GHz, 22.21–22.5 GHz, 36–37 GHz, and 56.26–58.2 GHz, the space research and Earth exploration-satellite services shall not receive protection from the fixed and mobile services operating in accordance with the Table of Frequency Allocations.

\* \* \* \* \*

US342 In making assignments to stations of other services to which the bands: 13360–13410 kHz, 22.81–22.86 GHz, 136–148.5 GHz, 37.5–38.25 MHz, 23.07–23.12 GHz, 151.5–158.5 GHz,

322–328.6 MHz, 31.2–31.3 GHz, 209–226 GHz, 1330–1400 MHz, 36.43–36.5 GHz, 241–250 GHz, 1610.6–1613.8 MHz, 42.5–43.5 GHz, 252–275 GHz, 1660–1670 MHz, 48.94–49.04 GHz, 3260–3267 MHz, 76–81 GHz, 3332–3339 MHz, 95–100 GHz, 3345.8–3352.5 MHz, 102–109.5 GHz, 4825–4835 MHz, 111.8–114.25 GHz, 14.47–14.5 GHz, 128.33–128.59 GHz, 22.01–22.21 GHz, 129.23–129.49 GHz, 22.21–22.5 GHz, 130–134 GHz, are allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from spaceborne or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 4.5 and 4.6 and Article 29 of the ITU Radio Regulations).

\* \* \* \* \*

USxxx In the band 55.78–56.26 GHz, in order to protect stations in the Earth exploration-satellite service (passive), the maximum power density delivered by a transmitter to the antenna of a fixed service station is limited to -28.5 dB(W/MHz).

\* \* \* \* \*

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## DEPARTMENT OF DEFENSE

## 48 CFR Part 206

[DFARS Case 2002-D023]

**Defense Federal Acquisition Regulation Supplement; Follow-On Production Contracts for Products Developed Pursuant to Prototype Projects**

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to provide an exception from competition requirements to apply to contracts awarded under the authority of Section 822 of the National Defense Authorization Act for Fiscal Year 2002. Section 822 provides for award of a follow-on production contract, without competition, to participants in an “other transaction” agreement for a prototype project, if the agreement was entered into through use of competitive procedures, provided for at least one-third non-Federal cost share, and meets certain other conditions of law.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before

August 4, 2003, to be considered in the formation of the final rule.

**ADDRESSES:** Respondents may submit comments directly on the World Wide Web at <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. As an alternative, respondents may e-mail comments to: [dfars@acq.osd.mil](mailto:dfars@acq.osd.mil). Please cite DFARS Case 2002-D023 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan L. Schneider, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062; facsimile (703) 602-0350. Please cite DFARS Case 2002-D023.

At the end of the comment period, interested parties may view public comments on the World Wide Web at <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan Schneider, (703) 602-0326.

**SUPPLEMENTARY INFORMATION:****A. Background**

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103-160; 10 U.S.C. 2371 note) provides authority for DoD to enter into transactions other than contracts, grants, or cooperative agreements, in certain situations, for prototype projects that are directly relevant to weapons or weapon systems proposed to be acquired or developed by DoD. Such transactions are commonly referred to as “other transaction” (OT) agreements for prototype projects.

Section 822 of the National Defense Authorization Act for Fiscal Year 2002 (Pub. L. 107-107) permits award of a follow-on production contract, without competition, to participants in an OT agreement for a prototype project if—

- (1) The OT agreement provided for a follow-on production contract;
- (2) The OT agreement provided for at least one-third non-Federal cost share for the prototype project;
- (3) Competitive procedures were used for the selection of parties for participation in the OT agreement;
- (4) The participants in the OT agreement successfully completed the prototype project;
- (5) The number of units provided for in the follow-on production contract does not exceed the number of units specified in the OT agreement for such a follow-on production contract; and
- (6) The prices established in the follow-on production contract do not exceed the target prices specified in the OT agreement for such a follow-on production contract.

<sup>7</sup> Medical telemetry equipment shall not cause harmful interference to radio astronomy operations in the band 608–614 MHz and shall be coordinated under the requirements found in 47 CFR 95.1119.