

of the violation and not the size of the entity that will result in an action by the OIG, and the aggregate economic impact of this rulemaking on small business entities should be minimal, affecting only those few who have chosen to engage in prohibited arrangements and schemes in violation of statutory intent. Therefore, we have concluded, and the Secretary certifies, that this final rule will not have a significant economic impact on a number of small business entities, and that a regulatory flexibility analysis is not required for this rulemaking.

Paperwork Reduction Act

This final rule imposes no new reporting or recordkeeping requirements necessitating clearance by OMB.

List of Subjects

42 CFR Part 1003

Administrative practice and procedure, Fraud, Grant programs—health, Health facilities, Health professions, Maternal and child health, Medicaid, Medicare, Penalties.

45 CFR Part 79

Administrative practice and procedure, Fraud, Investigations, Organizations and functions, (Governmental agencies), Penalties.

Accordingly, 42 CFR part 1003 and 45 CFR part 79 are amended as set forth below:

A. TITLE 42—PUBLIC HEALTH

CHAPTER V—OFFICE OF INSPECTOR GENERAL—HEALTH CARE; DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR part 1003 is amended as set forth below:

PART 1003—CIVIL MONEY PENALTIES, ASSESSMENTS AND EXCLUSIONS

1. The authority citation for part 1003 continues to read as follows:

Authority: 42 U.S.C. 1302, 1320a-7, 1230a-7a, 1320b-10, 1395u(j), 1395u(k), 1395dd(d)(1), 1395mm, 1395nn(g), 1395ss(d), 1396b(m), 11131(c) and 11137(b)(2).

2. Section 1003.103 is amended by revising paragraph (c) to read as follows:

§ 1003.103 Amount of penalty.

* * * * *

(c) The OIG may impose a penalty of not more than \$11,000¹ for each payment for which there was a failure to report required information in

accordance with § 1003.102(b)(5), or for each improper disclosure, use or access to information that is subject to a determination under § 1003.102(b)(6).

* * * * *

B. TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health and Human Services, General Administration

45 CFR part 79 is amended as set forth below:

PART 79—PROGRAM FRAUD CIVIL REMEDIES

1. The authority citation for part 79 is revised to read as follows:

Authority: 31 U.S.C. 3801-3812.

2. Section 79.3 is amended by revising paragraphs (a)(1) and (b)(1) to read as follows:

§ 79.3 Basis for civil penalties and assessments.

(a) *Claims.* (1) Except as provided in paragraph (c) of this section, any person who makes a claim that the person knows or has reason to know—

(i) Is false, fictitious, or fraudulent;

(ii) Includes, or is supported by, any written statement which asserts a material fact which is false, fictitious, or fraudulent;

(iii) Includes, or is supported by, any written statement that—

(A) Omits a material fact;

(B) Is false, fictitious, or fraudulent as a result of such omission; and

(C) Is a statement in which the person making such statement has a duty to include such material fact; or

(iv) Is for payment for the provision of property or services which the person has not provided as claimed, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than \$5,500¹ for each such claim.

* * * * *

(b) *Statements.* (1) Except as provided in paragraph (c) of this section, any person who makes a written statement that—

(i) The person knows or has reason to know—

(A) Asserts a material fact which is false, factitious, or fraudulent; or

(B) Is false, factitious, or fraudulent because it omits a material fact that the person making the statement has a duty to include in such statement; and

(ii) Contains, or is accompanied by, an express certification or affirmation of

the truthfulness and accuracy of the contents of the statement, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than \$5,500² for each such statement.

* * * * *

Dated: September 11, 1996.

June Gibbs Brown,
Inspector General.

Approved: September 17, 1996.

Donna E. Shalala,
Secretary.

[FR Doc. 96-25256 Filed 10-4-96; 8:45 a.m.]

BILLING CODE 4150-04-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 25 and 90

[ET Docket No. 96-20; FCC 96-377]

Fixed Satellite Service 13.75 to 14.0 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has allocated the 13.75-14.0 GHz band to the fixed-satellite service ("FSS") on a co-primary basis for Earth-to-space ("uplink") transmissions and has made conforming revisions to the associated service rules in Parts 25 and 90. The Commission found a growing demand for FSS in the Ku-band portion of the spectrum and concluded that this allocation will further the competitiveness of U.S. satellite operators in domestic and international markets and will provide more open and competitive markets for consumers. Further the allocation will permit added flexibility to FSS operators in the design of their systems by facilitating the co-location of additional satellites that use different frequency bands. The Commission believes that this allocation will complement and allow for greater use of the existing FSS downlink spectrum allocation.

EFFECTIVE DATE: November 6, 1996.

FOR FURTHER INFORMATION CONTACT: Tom Mooring, Office of Engineering and Technology, (202) 418-2450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, ET Docket No. 96-20, FCC 96-377, adopted September 12, 1996,

¹ As adjusted in accordance with the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990 (Pub. L. 101-140), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134).

¹ As adjusted in accordance with the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990 (Pub. L. 101-140), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134).

² As adjusted in accordance with the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990 (Pub. L. 101-140), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-143).

and released September 26, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington D.C. 20037.

Summary of the Report and Order

1. By this action, the Commission amended Part 2 of its Rules to allocate the 13.75–14.0 GHz band to the FSS on a co-primary basis for uplink transmissions and made conforming revisions to the associated service rules in Parts 25 and 90. The FSS is a radiocommunication service between earth stations at a specified fixed point or between any fixed point within specified areas and one or more satellites.

2. The Commission's action is based on the growing demand for FSS in the Ku-band portion of the spectrum. For example, over 100 satellite systems are planned worldwide that would make use of the 13.75–14.0 GHz band. The locations of some of these systems are particularly well-suited for the provision of service to and from the United States. This allocation, the Commission believes, would complement and allow for greater use of the existing FSS downlink spectrum allocation. The Commission also believes that the growing international and domestic demand for FSS services should be accommodated by making this spectrum available for such operations. The Commission stated that this allocation would further the competitiveness of U.S. satellite operators in domestic and international markets and would provide more open and competitive markets for consumers.

3. In addition, the FCC adopted domestically the international footnotes that specify the spectrum sharing criteria between incumbent services and the FSS in this band, as contained in the Final Acts of the 1995 World Radiocommunication Conference. Since the 13.75–14.0 GHz band is shared with Federal Government operations, all FSS applications that request the use of any frequencies in the 13.75–14.0 GHz band are subject to the standard process whereby the Commission coordinates such applications with the National Telecommunications and Information Administration to ensure that interference to primary Government operations is minimized. The FCC also adopted a United States footnote that requires that all FSS applications

requesting the use of any frequency in the 13.75–13.80 GHz band segment be coordinated on a case-by-case basis in order to minimize harmful interference to the forward space-to-space link of NASA's Tracking and Data Relay Satellite System when this link is operated in its wideband mode. This action is generally consistent with the international allocation for this band made at the 1992 World Administrative Radio Conference and will provide incumbent primary operations in this band with adequate interference protection from FSS uplinks.

4. On a related issue, the Commission declined to consider a request to eliminate the prohibition on the use of the 10.95–11.2 and 11.45–11.7 GHz FSS downlink bands by domestic systems, ruling that this issue is outside the scope of this proceeding.

Final Regulatory Flexibility Analysis

5. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603 ("RFA"), an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated into the *NPRM* in ET Docket No. 96–20.¹ The Commission sought written public comments on the proposals in the *NPRM*, including the IRFA. The Commission's Final Regulatory Flexibility Analysis ("FRFA") in this *Report and Order* conforms to the RFA, as amended by the Contract With America Advancement Act of 1996 (CWAAA), Public Law No. 104–121, 110 Stat. 847 (1996).²

Need For and Objective Of the Rules

6. Our objective is to accommodate growing demand for fixed satellite services and to provide satellite operators with increased flexibility in the design of their systems. This action will allocate an additional 250 megahertz of uplink spectrum to the fixed-satellite service, which we hope will open markets and increase competition in the fixed-satellite service for both domestic and international operations.

Summary of Issues Raised by the Public Comments in Response to the IRFA

7. No comments were submitted in direct response to the IRFA. We also reviewed the general comments for potential impact on small business, and no issues were raised.

Description and Estimate of Small Entities Subject to Which Rules Will Apply

8. The Commission has not developed a definition of small entities applicable to FSS licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules applicable to Communications Services, Not Elsewhere Classified. This definition provides that a small entity is expressed as one with \$11.0 million or less in annual receipts.³ At present there are no FSS satellite licensees in the 13.75–14.0 GHz band, and therefore, there are no small businesses currently using this band. However, we acknowledge that there may be future development of new satellite systems in this frequency band that may qualify as small entities pursuant to the SBA's definition.

9. This rule may also affect satellite communications equipment manufacturers. According to the SBA's regulations, a satellite communications equipment manufacturer must have 750 or fewer employees in order to qualify as a small business concern.⁴ Census Bureau data indicates that there are 858 U.S. companies that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities.⁵ The Census Bureau category is very broad, and specific figures are not available as to how many of these firms are manufacturers of satellite communications equipment; however, we acknowledge the likelihood that some of them may qualify as small entities.

Projected Reporting, Recordkeeping and Other Compliance Requirements of the Rules

10. The antennas that will use the 13.75–14.0 GHz band must have a minimum diameter of 4.5 meters. The e.i.r.p. from a earth station using the 13.75–14.0 GHz band must be at least 68 dBW and must not exceed 85 dBW, except in the frequency band 13.772–13.778 GHz, where the e.i.r.p. must be at least 68 dBW and must not exceed 71 dBW per 6 MHz. These rules are designed to ensure that FSS uplink operations will not cause harmful interference to the incumbent users of the band. These technical rules will generally effect only those small entities

³ 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4899.

⁴ 13 CFR 121.201, (SIC) Code 3663.

⁵ U.S. Dept. of Commerce, *1992 Census of Transportation, Communications and Utilities* (issued May 1995), SIC category 3663.

¹ See 11 FCC Rcd 5923 (1996).

² Subtitle II of the CWAAA is "The Small Business Regulatory Enforcement Fairness Act of 1996" (SBREFA), codified at 5 U.S.C. 601 *et seq.*

that manufacture earth station uplink equipment. Such equipment must comply with the requirement of Part 25 of the Commission's Rules, 47 CFR Part 25. The types of professional engineering skills needed to assure such compliance would be available at any manufacturer of such equipment. In addition, the operators of the equipment must monitor the output power of the transmitter in order to ensure that the e.i.r.p. range is maintained. The types of professional skills needed to monitor the output power would be integral to the running of the system.

Steps Taken To Minimize Significant Economic Impact on Small Entities Consistent With Stated Objectives

11. The Commission considered and rejected an alternative proposal to restrict this FSS allocation to international service only. In this *Report and Order*, we decline to restrict the use of the 13.75–14.0 GHz band to international systems only. We believe that, by treating all U.S.-licensed geostationary fixed-satellite operations in this band under the same regulatory scheme, we will better encourage the opening of markets and the intensification of competition in the fixed-satellite services for both domestic and international operations. Further, we believe that restriction of this band to international operations only is not technically justified and would needlessly impair businesses' ability, including small businesses, to meet

their customers' needs. Accordingly, we are making the 13.75–14.0 GHz band available for use by both domestic and international FSS systems.

Report to Congress

12. The Commission shall send a copy of this Final Regulatory Flexibility Analysis, along with this Report and Order, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. § 801(a)(1)(A).

List of Subjects

47 CFR Part 2

Communications equipment, Radio.

47 CFR Part 25

Communications equipment, Radio, Satellites.

47 CFR Part 90

Communications equipment, Radio, Federal Communications Commission.

Shirley S. Suggs,
Chief, Publications Branch.

Rule Changes

Parts 2, 25 and 90 of Title 47 of the Code of Federal Regulations, are amended 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: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303 and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

- a. Remove the existing entries for 10.7–11.7 GHz and 12.75–13.25 GHz through 14.47–14.50 GHz.
- b. Add entries in numerical order for 10.7–11.7 GHz and 12.75–13.25 GHz through 14.47–14.5 GHz.
- c. Remove international footnotes 835, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861 and 862.
- d. Add a note, a heading I., and international footnotes S5.149, S5.333, S5.441, S5.484, S5.497, S5.498, S5.499, S5.500, S5.501, S5.502, S5.503, S5.503A, S5.504, S5.505, S5.506, S5.508 and S5.509 immediately following the centerheading "INTERNATIONAL FOOTNOTES."
- e. Add a heading II. immediately preceding international footnote 444.
- f. Revise United States footnote US110.
- g. Remove United States footnote US287.
- h. Add United States footnote US337 in numerical order.

The revisions and additions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

International table			United States table		FCC use designators	
Region 1—allocation GHz	Region 2—allocation GHz	Region 3—allocation GHz	Government Allocation GHz	Non-Government Allocation GHz	Rule part(s)	Special-use frequencies
*	*	*	*	*	*	*
10.7–11.7 FIXED FIXED-SATELLITE (space-to-Earth) (Earth-to-space) S5.441 S5.484 MOBILE except aeronautical mobile	10.7–11.7 FIXED FIXED-SATELLITE (space-to-Earth) S5.441 MOBILE except aeronautical mobile	10.7–11.7 FIXED FIXED-SATELLITE (space-to-Earth) S5.441 MOBILE except aeronautical mobile	10.7–11.7 US211	10.7–11.7 FIXED FIXED-SATELLITE (space-to-Earth) S5.441 US211 NG104 NG41	FIXED MICROWAVE (101) SATELLITE COMMUNICATIONS (25)	
*	*	*	*	*	*	*
12.75–13.25 FIXED FIXED-SATELLITE (Earth-to-space) S5.441 MOBILE Space Research (deep space) (space-to-Earth)	12.75–13.25 FIXED FIXED-SATELLITE (Earth-to-space) S5.441 MOBILE Space Research (deep space) (space-to-Earth)	12.75–13.25 FIXED FIXED-SATELLITE (Earth-to-space) S5.441 MOBILE Space Research (deep space) (space-to-Earth)	12.75–13.25 US251	12.75–13.25 FIXED FIXED-SATELLITE (Earth-to-space) S5.441 NG104 MOBILE US251 NG53 NG118	AUXILIARY BROADCASTING (74) CABLE TV RELAY (78) FIXED MICROWAVE (101)	

International table			United States table		FCC use designators	
Region 1—allocation GHz	Region 2—allocation GHz	Region 3—allocation GHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation GHz	Allocation GHz		
13.25–13.4 AERONAUTICAL RADIO-NAVIGATION S5.497 S5.498	13.25–13.4 AERONAUTICAL RADIO-NAVIGATION S5.497 S5.498	13.25–13.4 AERONAUTICAL RADIO-NAVIGATION S5.497 S5.498 S5.499	13.25–13.4 AERONAUTICAL RADIO-NAVIGATION S5.497 Space Research (Earth-to-space)	13.25–13.4 AERONAUTICAL RADIO-NAVIGATION S5.497 Space Research (Earth-to-space)	AVIATION (87)	
13.4–13.75 RADIO-LOCATION Standard Frequency and Time Signal-Satellite (Earth-to-space) Space Research S5.333 S5.500 S5.501	13.4–13.75 RADIO-LOCATION Standard Frequency and Time Signal-Satellite (Earth-to-space) Space Research S5.333	13.4–13.75 RADIO-LOCATION Standard Frequency and Time Signal-Satellite (Earth-to-space) Space Research S5.333 S5.499 S5.500 S5.501	13.4–13.75 RADIO-LOCATION US110 G59 Standard Frequency and Time Signal-Satellite (Earth-to-space) Space Research S5.333	13.4–13.75 Radio-location US110 Standard Frequency and Time Signal-Satellite (Earth-to-space) Space Research S5.333	Private Land Mobile (90)	
13.75–14.0 FIXED-SATELLITE (Earth-to-space) RADIO-LOCATION Standard Frequency and Time Signal-Satellite (Earth-to-space) Space Research S5.333 S5.500 S5.501 S5.502 S5.503 S5.503A	13.75–14.0 FIXED-SATELLITE (Earth-to-space) RADIO-LOCATION Standard Frequency and Time Signal-Satellite (Earth-to-space) Space Research S5.333 S5.502 S5.503 S5.503A	13.75–14.0 FIXED-SATELLITE (Earth-to-space) RADIO-LOCATION Standard Frequency and Time Signal-Satellite (Earth-to-space) Space Research S5.333 S5.499 S5.500 S5.501 S5.502 S5.503 S5.503A	13.75–14.0 RADIO-LOCATION US110 G59 Standard Frequency and Time Signal-Satellite (Earth-to-space) Space Research US337 S5.333 S5.502 S5.503 S5.503A	13.75–14.0 FIXED-SATELLITE (Earth-to-space) US337 Radio-location US110 Standard Frequency and Time Signal-Satellite (Earth-to-space) Space Research S5.333 S5.502 S5.503 S5.503A	SATELLITE COMMUNICATION (25) Private Land Mobile (90)	
14.0–14.2 FIXED-SATELLITE (Earth-to-space) S5.506 RADIO-NAVIGATION S5.504 Land Mobile-Satellite (Earth-to-space) Space Research S5.505	14.0–14.2 FIXED-SATELLITE (Earth-to-space) S5.506 RADIO-NAVIGATION S5.504 Land Mobile-Satellite (Earth-to-space) Space Research	14.0–14.2 FIXED-SATELLITE (Earth-to-space) S5.506 RADIO-NAVIGATION S5.504 Land Mobile-Satellite (Earth-to-space) Space Research S5.505	14.0–14.2 RADIO-NAVIGATION US292 Space Research	14.0–14.2 FIXED-SATELLITE (Earth-to-space) RADIO-NAVIGATION US292 Land Mobile-Satellite (Earth-to-space) Space Research	SATELLITE COMMUNICATIONS (25) Aviation (87) Maritime (80)	
14.2–14.25 FIXED-SATELLITE (Earth-to-space) S5.506 RADIO-NAVIGATION S5.504 Land Mobile-Satellite (Earth-to-space) Space Research S5.505	14.2–14.25 FIXED-SATELLITE (Earth-to-space) S5.506 RADIO-NAVIGATION S5.504 Land Mobile-Satellite (Earth-to-space) Space Research	14.2–14.25 FIXED-SATELLITE (Earth-to-space) S5.506 RADIO-NAVIGATION S5.504 Land Mobile-Satellite (Earth-to-space) Space Research S5.505	14.2–14.25	14.2–14.25 FIXED-SATELLITE (Earth-to-space) Land Mobile-Satellite (Earth-to-space) Mobile except aeronautical mobile	SATELLITE COMMUNICATIONS (25) Fixed Microwave (101)	

International table			United States table		FCC use designators	
Region 1—allocation GHz	Region 2—allocation GHz	Region 3—allocation GHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation GHz	Allocation GHz		
14.25–14.3 FIXED-SATELLITE (Earth-to-space) S5.506 RADIO-NAVIGATION S5.504 Land Mobile-Satellite (Earth-to-space) Space Research S5.505 S5.508	14.25–14.3 FIXED-SATELLITE (Earth-to-space) S5.506 RADIO-NAVIGATION S5.504 Land Mobile-Satellite (Earth-to-space) Space Research	14.25–14.3 FIXED-SATELLITE (Earth-to-space) S5.506 RADIO-NAVIGATION S5.504 Land Mobile-Satellite (Earth-to-space) Space Research S5.505 S5.509	14.25–14.3	14.25–14.3 FIXED-SATELLITE (Earth-to-space) Land Mobile-Satellite (Earth-to-space) Mobile except aeronautical mobile	SATELLITE COMMUNICATIONS (25) Fixed Microwave (101)	
14.3–14.4 FIXED-SATELLITE (Earth-to-space) S5.506 MOBILE except aeronautical mobile Land Mobile-Satellite (Earth-to-space) Radio-navigation-Satellite	14.3–14.4 FIXED-SATELLITE (Earth-to-space) S5.506 Land Mobile-Satellite (Earth-to-space) Radio-navigation-Satellite	14.3–14.4 FIXED-SATELLITE (Earth-to-space) S5.506 MOBILE except aeronautical mobile Land Mobile-Satellite (Earth-to-space) Radio-navigation-Satellite	14.3–14.4	14.3–14.4 FIXED-SATELLITE (Earth-to-space) Land Mobile-Satellite (Earth-to-space) Mobile except aeronautical mobile	SATELLITE COMMUNICATIONS (25) Fixed Microwave (101)	
14.4–14.47 FIXED-SATELLITE (Earth-to-space) S5.506 MOBILE except aeronautical mobile Land Mobile-Satellite (Earth-to-space) Space Research (space-to-Earth)	14.4–14.47 FIXED-SATELLITE (Earth-to-space) S5.506 MOBILE except aeronautical mobile Land Mobile-Satellite (Earth-to-space) Space Research (space-to-Earth)	14.4–14.47 FIXED-SATELLITE (Earth-to-space) S5.506 MOBILE except aeronautical mobile Land Mobile-Satellite (Earth-to-space) Space Research (space-to-Earth)	14.4–14.47 Fixed Mobile	14.4–14.47 FIXED-SATELLITE (Earth-to-space) Land Mobile-Satellite (Earth-to-space)	SATELLITE COMMUNICATIONS (25)	
14.47–14.5 FIXED-SATELLITE (Earth-to-space) S5.506 MOBILE except aeronautical mobile Land Mobile-Satellite (Earth-to-space) Radio Astronomy S5.149	14.47–14.5 FIXED-SATELLITE (Earth-to-space) S5.506 MOBILE except aeronautical mobile Land Mobile-Satellite (Earth-to-space) Radio Astronomy S5.149	14.47–14.5 FIXED-SATELLITE (Earth-to-space) S5.506 MOBILE except aeronautical mobile Land Mobile-Satellite (Earth-to-space) Radio Astronomy S5.149	14.47–14.5 Fixed Mobile S5.149 US203	14.47–14.5 FIXED-SATELLITE (Earth-to-space) Land Mobile-Satellite (Earth-to-space) S5.149 US203	SATELLITE COMMUNICATIONS (25)	
*	*	*	*	*	*	*

International Footnotes

Note: The International Telecommunication Union is transitioning to new Simplified Radio Regulations. As part of the Simplified Radio Regulations, the "S" numbering scheme is used for international footnotes. Until such time as the Commission revises the entire list of international footnotes to comport with the new "S" numbering scheme, the international footnotes that are adopted in individual proceeding shall be listed in I. prior to the listing of international footnotes employing

the old numbering scheme. Footnotes employing the old numbering scheme will appear in II. and shall not be deleted until all frequency bands listed within a footnote have been updated to the new "S" numbering scheme.

I. New "S" Numbering Scheme

S5.149 In making assignments to stations of other services to which the bands: 13360–13410 kHz, 25550–25670 kHz,

37.5–38.25 MHz, 73–74.6 MHz in Regions 1 and 3, 79.75–80.25 MHz in Region 3, 150.05–153 MHz in Region 1, 322–328.6 MHz*, 406.1–410 MHz, 608–614 MHz in 3345.8–3352.5 MHz*,

4825–4835 MHz*,
 4950–4990 MHz,
 4990–5000 MHz,
 6650–6675.2 MHz*,
 10.6–10.68 GHz,
 14.47–14.5 GHz*,
 22.01–22.21 GHz*,
 22.21–22.5 GHz,
 22.81–22.86 GHz*,
 23.07–23.12 GHz*,
 31.2–31.3 GHz,
 72.77–72.91 GHz*,
 93.07–93.27 GHz*,
 97.88–98.08 GHz*,
 140.69–140.98 GHz*,
 144.68–144.98 GHz*,
 145.45–145.75 GHz*,
 146.82–147.12 GHz*,
 150–151 GHz*,
 174.42–175.02 GHz*,
 177–177.4 GHz*,
 178.2–178.6 GHz*,
 181–181.46 GHz*,

Regions 1 and 3,

1330–1400 MHz*,
 1610.6–1613.8 MHz*,
 1660–1670 MHz,
 1718.8–1722.2 MHz*,
 2655–2690 MHz,
 3260–3267 MHz*,
 3332–3339 MHz*,
 31.5–31.8 GHz in

Regions 1 and 3,

36.43–36.5 GHz*,
 42.5–43.5 GHz,
 42.77–42.87 GHz*,
 43.07–43.17 GHz*,
 43.37–43.47 GHz*,
 48.94–49.04 GHz*,
 186.2–186.6 GHz*,
 250–251 GHz*,
 257.5–258 GHz*,
 261–265 GHz,
 262.24–262.76 GHz*,
 265–275 GHz,
 265.64–266.16 GHz*,
 267.34–267.86 GHz*,
 271.74–272.26 GHz*

are allocated (* indicates radio astronomy use for spectral line observations), 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. 343/S4.5 and 344/S4.6 and Article 36/S29).

S5.333 In the bands 1215–1300 MHz, 3100–3300 MHz, 5250–5350 MHz, 8550–8650 MHz, 9500–9800 MHz and 13.4–14.0 GHz, radiolocation stations installed on spacecraft may also be employed for the earth exploration-satellite and space research services on a secondary basis.

S5.441 The use of the bands 4500–4800 MHz (space-to-Earth), 6725–7025 MHz (Earth-to-space), 10.7–10.95 GHz (space-to-Earth), 11.2–11.45 GHz (space-to-Earth) and 12.75–13.25 GHz (Earth-to-space) by the fixed-satellite service shall be in accordance with the provisions of Appendix 30B/S30B.

S5.484 In Region 1, the use of the band 10.7–11.7 GHz by the fixed-satellite service

(Earth-to-space) is limited to feeder links for the broadcasting-satellite service.

S5.497 The use of the band 13.25–13.4 GHz by the aeronautical radionavigation service is limited to Doppler navigation aids.

S5.498 The band 13.25–13.4 GHz may also be used in the space research service (Earth-to-space) on a secondary basis, subject to agreement obtained under Article 14/No. S9.21.

S5.499 *Additional allocation:* in Bangladesh, India and Pakistan, the band 13.25–14 GHz is also allocated to the fixed service on a primary basis.

S5.500 *Additional allocation:* in Algeria, Angola, Saudi Arabia, Bahrain, Brunei Darussalam, Cameroon, the Republic of Korea, Egypt, the United Arab Emirates, Gabon, Guinea, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Madagascar, Malaysia, Malawi, Mali, Malta, Morocco, Mauritania, Niger, Nigeria, Pakistan, Qatar, Syria, Senegal, Singapore, Sudan, Chad and Tunisia, the band 13.4–14 GHz is also allocated to the fixed and mobile services on a primary basis.

S5.501 *Additional allocation:* in Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Georgia, Hungary, Japan, Kazakhstan, Moldova, Mongolia, Kyrgyzstan, Romania, the United Kingdom, Russia, Tajikistan, Turkmenistan and Ukraine, the band 13.4–14 GHz is also allocated to the radionavigation service on a primary basis.

S5.502 In the band 13.75–14 GHz, the e.i.r.p. of any emission from an earth station in the fixed-satellite service shall be at least 68 dBW, and should not exceed 85 dBW, with a minimum antenna diameter of 4.5 metres. In addition the e.i.r.p., averaged over one second, radiated by a station in the radiolocation or radionavigation services towards the geostationary-satellite orbit shall not exceed 59 dBW.

S5.503 In the band 13.75–14 GHz, geostationary space stations in the space research service for which information for advance publication has been received by the Bureau prior to 31 January 1992 shall operate on an equal basis with stations in the fixed-satellite service; after that date, new geostationary space stations in the space research service will operate on a secondary basis. The e.i.r.p. density of emissions from any earth station in the fixed-satellite service shall not exceed 71 dBW per 6 MHz in the frequency range 13.772–13.778 GHz until those geostationary space stations in the space research service for which information for advance publication has been received by the Bureau prior to 31 January 1992 cease to operate in this band. Automatic power control may be used to increase the e.i.r.p. density above 71 dBW per 6 MHz in this frequency range to compensate for rain attenuation, to the extent that the power-flux density at the fixed-satellite service space station does not exceed the value resulting from use of 71 dBW per 6 MHz e.i.r.p. in clear sky conditions.

S5.503A Until 1 January 2000, stations in the fixed-satellite service shall not cause harmful interference to non-geostationary space stations in the space research and Earth exploration-satellite services. After that date, these non-geostationary space stations will

operate on a secondary basis in relation to the fixed-satellite service. Additionally, when planning earth stations in the fixed-satellite service to be brought into service between 1 January 2000 and 1 January 2001, in order to accommodate the needs of spaceborne precipitation radars operating in the band 13.793–13.805 GHz, advantage should be taken of the consultation process and the information given in Recommendation ITU-R SA.1071.

S5.504 The use of the band 14–14.3 GHz by the radionavigation service shall be such as to provide sufficient protection to space stations of the fixed-satellite service (see Recommendation 708).

S5.505 *Additional allocation:* in Algeria, Angola, Saudi Arabia, Australia, Bahrain, Bangladesh, Botswana, Brunei Darussalam, Cameroon, China, the Congo, the Republic of Korea, Egypt, the United Arab Emirates, Gabon, Guatemala, Guinea, India, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Japan, Jordan, Kuwait, Lesotho, Lebanon, Malaysia, Malawi, Mali, Morocco, Mauritania, Niger, Oman, Pakistan, the Philippines, Qatar, Syria, the Democratic People's Republic of Korea, Senegal, Singapore, Somalia, Sudan, Swaziland, Tanzania, Chad and Yemen, the band 14–14.3 GHz is also allocated to the fixed service on a primary basis.

S5.506 The band 14–14.5 GHz may be used, within the fixed-satellite service (Earth-to-space), for feeder links for the broadcasting-satellite service, subject to coordination with other networks in the fixed-satellite service. Such use of feeder links is reserved for countries outside Europe.

S5.508 *Additional allocation:* in Germany, Austria, Belgium, Bosnia and Herzegovina, Denmark, Spain, France, Greece, Ireland, Iceland, Italy, The Former Yugoslav Republic of Macedonia, Libya, Liechtenstein, Luxembourg, Norway, Portugal, the United Kingdom, Slovenia, Switzerland, Turkey and Yugoslavia, the band 14.25–14.3 GHz is also allocated to the fixed service on a primary basis.

S5.509 *Additional allocation:* in Japan and Pakistan the band 14.25–14.3 GHz is also allocated to the mobile, except aeronautical mobile, service on a primary basis.

II. Old Numbering Scheme

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United States (US) Footnotes

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US110 In the frequency bands 3100–3300 MHz, 3500–3700 MHz, 5250–5350 MHz, 8500–9000 MHz, 9200–9300 MHz, 9500–10000 MHz, 13.4–14.0 GHz, 15.7–17.3 GHz, 24.05–24.25 GHz and 33.4–36.0 GHz, the non-Government radiolocation service shall be secondary to the Government radiolocation service and to airborne doppler radars at 8800 MHz, and shall provide protection to airport surface detection equipment (ASDE) operating between 15.7–16.2 GHz.

* * * * *

US337 In the band 13.75–13.80 GHz, earth stations in the fixed-satellite service shall be coordinated on a case-by-case basis through the frequency assignment

subcommittee in order to minimize harmful interference to the Tracking and Data Relay Satellite System's forward space-to-space link (TDRSS forward link-to-LEO).

PART 25—SATELLITE COMMUNICATIONS

1. The authority citation for Part 25 continues to read as follows:

Authority: Secs. 25.101 to 25.601 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101–104, 76 Stat. 419–427; 47 U.S.C. 701–744; 47 U.S.C. 554.

2. Section 25.202(a)(1) is revised to read as follows:

§ 25.202 Frequencies, frequency tolerance and emission limitations.

(a)(1) *Frequency bands.* The following frequencies are available for use by the fixed-satellite service. Precise frequencies and bandwidths of emission shall be assigned on a case-by-case basis.

Space-to-Earth (GHz)	Earth-to-space (GHz)
3.7–4.2 ¹	1 5.925–6.425
10.95–11.2 ¹	4 13.75–14.0
11.45–11.7 ²	5 14.0–14.2
11.7–12.2 ³	14.2–14.5
17.7–19.7 ¹	1 27.5–29.5
19.7–20.2	29.5–30.0

¹ This band is shared coequally with terrestrial radiocommunication services.

² Use of this band by the fixed-satellite service is limited to international systems, i.e., other than domestic systems.

³ Use of this band by the fixed-satellite service in Region 2 is limited to national and sub-regional systems. Fixed-satellite transponders may be used additionally for transmissions in the broadcasting-satellite service.

⁴ This band is shared on an equal basis with the Government radiolocation service, grandfathered space stations in the Tracking and Data Relay Satellite System, and until January 1, 2000, spaceborne sensors.

⁵ In this band, stations in the radionavigation service shall operate on a secondary basis to the fixed-satellite service.

* * * * *

3. Section 25.204(f) is added to read as follows:

§ 25.204 Power limits.

* * * * *

(f) The e.i.r.p. of any emission from an earth station operating in the frequency band 13.75–14.0 GHz shall be at least 68 dBW and shall not exceed 85 dBW, with a minimum antenna diameter of 4.5 meters; except in the frequency band 13.772–13.778 GHz, where the e.i.r.p. shall be at least 68 dBW and shall not exceed 71 dBW per 6 MHz, with a minimum antenna diameter of 4.5 meters. Automatic power control may be used to increase the e.i.r.p. density

above 71 dBW per 6 MHz to compensate for rain attenuation to the extent that the power flux density at the fixed-satellite space station does not exceed the value resulting from use of 71 dBW per 6 MHz e.i.r.p. in clear sky conditions.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, 309 and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303, 309 and 332, unless otherwise amended.

2. Section 90.103(b) is amended in the table by removing the entry for the 13,400–14,000 MHz band, and adding entries for 13,400 to 13,750 MHz band and 13,750 to 14,000, by revising paragraph (c)(12), and by adding paragraph (c)(31) to read as follows:

§ 90.103 Radiolocation Service.

* * * * *

(b) * * *

RADIOLOCATION SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitation
* * *	* * *	*
Megahertz:		
* * *	* * *	*
13,400 to 13,750.do	12
13,750 to 14,000.do	31
* * *	* * *	*

* * * * *

(c) * * *

(12) This frequency is shared with and is on a secondary basis to the Government Radiolocation Service.

* * * * *

(31) This frequency band is shared with and is on secondary basis to the Fixed-Satellite Service and to the Government's Radiolocation, Space Research and Earth Exploration-Satellite Services. After January 1, 2000, the Government's Space Research and Earth Exploration-Satellite Services shall operate on a co-equal secondary basis with the non-Government Radiolocation Service, except that grandfathered space stations in the Tracking and Data Relay Satellite System shall continue to be protected from harmful interference.

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47 CFR Parts 64 and 68

[CC Docket 96-128; FCC 96-388]

Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission ("Commission") adopts a *Report and Order* implementing Section 276 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("1996 Act"). In the *Report and Order*, the Commission adopts new rules and policies governing the payphone industry that: establish a plan to ensure fair compensation for "each and every completed intrastate and interstate call using [a] payphone[.]" discontinue intrastate and interstate carrier access charge payphone service elements and payments and intrastate and interstate payphone subsidies from basic exchange services, prescribe nonstructural safeguards for Bell Operating Company ("BOC") payphones, permit the BOCs to negotiate with payphone location providers on the interLATA carrier presubscribed to their payphones, permit all payphone service providers to negotiate with location providers on the intraLATA carrier presubscribed to their payphones, and adopt guidelines for use by the states in establishing public interest payphones to be located "where there would otherwise not be a payphone[.]" As set forth in the *Report and Order* and explained below, the Commission is issuing the *Report and Order* to comply with the statutory mandate of Section 276 of the 1996 Act of "promot[ing] competition among payphone service providers and promot[ing] the widespread deployment of payphone services to the benefit of the general public * * *."

EFFECTIVE DATES: The revision of the heading of subpart M and the authority citation of part 64 and the amendment to § 64.1301 and new § 64.1340 become effective November 6, 1996. The amendments to § 64.703 and new § 64.1330 become effective December 16, 1996. Section 64.1301 is removed and §§ 64.1300, 64.1310 and 64.1320 become effective October 7, 1997. Sections 68.2 and 68.3 become effective April 15, 1997.

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