

Dated: March 24, 1997.

**R. Richard Newcomb,**

*Director, Office of Foreign Assets Control.*

Approved: April 8, 1997.

**James E. Johnson,**

*Assistant Secretary (Enforcement).*

[FR Doc. 97-10322 Filed 4-17-97; 10:40 am]

BILLING CODE 4810-25-F

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 31 CFR Part 1

#### Privacy Act of 1974; Implementation

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury gives notice of an amendment exempting the system of records entitled the Automated Information Analysis System—Treasury/IRS 46.050 from certain provisions of the Privacy Act. The exemption is intended to comply with legal prohibitions against the disclosure of certain kinds of information and to protect certain information on individuals maintained in this system of records.

**EFFECTIVE DATE:** April 22, 1997.

**ADDRESSES:** Please submit inquiries to the National Director, Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC. 20224.

**FOR FURTHER INFORMATION CONTACT:** Michael Orth, Director of Investigations, Midstates Region, Internal Revenue Service at (202) 622-8901.

**SUPPLEMENTARY INFORMATION:** The Department of the Treasury published a notice of a proposed rule exempting a system of records from certain provisions of the Privacy Act of 1974, as amended, at Vol. 61, No. 188, page 50461, dated September 26, 1996. The Internal Revenue Service published the system notice in its entirety at Vol. 61, No. 175, page 47547, dated September 9, 1996.

Under 5 U.S.C. 552a(j)(2), the head of an agency may promulgate rules to exempt any system of records within the agency or within a component of the agency whose principal function is the enforcement of criminal laws from certain provisions of the Privacy Act of 1974. This system of records pertains to the enforcement of criminal laws, and contains investigatory material about individuals that is compiled to identify

leads to possible criminal investigations.

Under 5 U.S.C. 552a(k)(2), the head of an agency may promulgate rules to exempt any system of records within the agency from certain provisions of the Privacy Act of 1974 if the system is investigatory material compiled for law enforcement purposes. The Automated Information Analysis System—Treasury/IRS 46.050, contains investigatory material compiled for law enforcement purposes.

The proposed rule requested that public comments be sent to the Governmental Liaison and Disclosure Office, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224 no later than October 28, 1996. No comments pertaining to the proposed rule were received by the Governmental Liaison and Disclosure Office. Accordingly, the Department of the Treasury is hereby giving notice that the system of records entitled, "The Automated Information Analysis System—Treasury/IRS 46.050", is exempt from certain provisions of the Privacy Act. The provisions of the Privacy Act of 1974 from which exemption is claimed pursuant to 5 U.S.C. 552a(j)(2) and (k)(2) are as follows: 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g).

As required by Executive Order 12291, it has been determined that this final rule is not a "major" rule and, therefore, does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby certified that this rule will not have significant economic impact on a substantial number of small entities.

In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department of the Treasury has determined that this proposed rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

#### Lists of Subjects in 31 CFR Part 1

Privacy.

Part 1 of Title 31 of the Code of Federal Regulations is amended as follows:

#### PART 1—[AMENDED]

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

**Authority:** 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. as amended. Subpart C also issued under 5 U.S.C. 552a.

#### § 1.36 [Amended]

2. Section 1.36 of subpart C is amended by adding the following text to the table in paragraphs (a)(1) and (b)(1) under the heading THE INTERNAL REVENUE SERVICE

* * * * *				
(a) * * *				
(1) * * *				
Name of System				No.
* * * * *				*
Automated System	Information	Analysis		46.050
* * * * *				*
(b) * * *				
(1) * * *				
Name of System				No.
* * * * *				*
Automated System	Information	Analysis		46.050
* * * * *				*

Dated: March 6, 1997.

**Alex Rodriguez,**

*Deputy Assistant Secretary (Administration).*

[FR Doc. 97-10288 Filed 4-21-97; 8:45 am]

Billing CODE: 4830-01-F

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 64

[Docket No. FEMA-7663]

#### List of Communities Eligible for the Sale of Flood Insurance

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

**EFFECTIVE DATES:** The dates listed in the third column of the table.

**ADDRESSES:** Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638-6620.

**FOR FURTHER INFORMATION CONTACT:**

Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-3619.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Executive Associate Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Executive Associate Director finds that the delayed effective dates would be contrary to the public interest. The Executive Associate Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

**National Environmental Policy Act**

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act**

The Executive Associate Director certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U. S. C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

**Regulatory Classification**

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

**Paperwork Reduction Act**

This rule does not involve any collection of information for purposes of

the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**Executive Order 12612, Federalism**

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

**Executive Order 12778, Civil Justice Reform**

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

**§ 64.6 [Amended]**

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	
New Eligibles—Emergency Program				
North Dakota:				
Hampden, city of, Ramsey County .....	380094	Mar. 4, 1997.	July 30, 1976.	
Nogosek, township of, Stutsman County .....	380693	Mar. 6, 1997.		
Great Bend, city of, Richland County .....	380099	Mar. 7, 1997 .....		
Logan County, unincorporated areas .....	380691	.....do.		
Do. Pierce County, unincorporated areas .....	380087	.....do.		
Reynolds, city of, Traill and Grand Forks Counties	380199	.....do.		
Steele County, unincorporated areas .....	380692	.....do.		
South Dakota:				
Artas, city of, Campbell County .....	461207	Mar. 4, 1997.	Aug. 1, 1978.	
Centerville, city of, Turner County .....	460163	.....do.		
Edmunds County, unincorporated areas .....	460264	.....do.		
Tabor, town of, Bon Homme County .....	460142	.....do.		
Springfield, city of, Bon Homme County .....	460216	.....do.		
Twin Brooks, city of, Grant County .....	461208	.....do.		
Chelsea, town of, Faulk County .....	461209	.....do.		
Seneca, town of, Faulk County .....	461206	Mar. 5, 1997.		
Clark, city of, Clark County .....	460013	.....do .....		
Presho, city of, Lyman County .....	460297	Mar. 6, 1997.		
Roscoe, city of, Edmunds County .....	460136	.....do.		
Walworth County, unincorporated areas .....	460291	.....do.		
Hosmer, city of, Edmunds County .....	460117	Mar. 7, 1997.		
Langford, town of, Marshall County .....	460125	.....do.		
Monroe, town of, Turner County .....	461210	.....do.		
Tea, city of, Lincoln County .....	460143	.....do.		
Monroe, town of, Turner County .....	461210	.....do.		
New Hampshire: Fritzwilliam, town of, Cheshire County	330207	.....do .....		Nov. 26, 1970.
Georgia: Laurens County, unincorporated areas .....	130462	.....do .....		Feb. 17, 1978.
North Carolina: Leggett, town of, Edgecombe County ..	370317	.....do .....	July 1, 1977.	
Minnesota: Comfrey, city of, Brown County .....	270035	.....do .....	Dec. 26, 1975.	

State/location	Community No.	Effective date of eligibility	Current effective map date
North Dakota:			
Sargent County, unincorporated areas .....	380295	Mar. 11, 1997.	
New Rockford, city of Eddy County .....	380031	.....do .....	Apr. 16, 1976.
Lakota, city of Nelson County .....	380075	.....do.	
Wimbledon, city of, Barnes County .....	380212	.....do.	
Abercrombie, city of, Richland County .....	380151	.....do .....	Oct. 29, 1976.
Eddy County, unincorporated areas .....	380694	.....do.	
Elgin, city of, Grant County .....	380224	.....do.	
Wilton, city of, McLean and Burleigh County .....	380065	.....do.	
Gilby, city of, Grand Forks County .....	380035	.....do.	
Renville County, unincorporated areas. ....	380097	Mar. 14, 1997.	
South Dakota:			
Rosholt, city of, Roberts County .....	461211	Mar. 11, 1997..	
Elkton, city of, Brookings County .....	460172	.....do.	
Brule County, unincorporated areas .....	460284	.....do.	
Tyndall, city of, Bon Homme County .....	460220	.....do.	
Cavour, town of, Beadle County .....	461212	Mar. 14, 1997.	
Canova, town of, Minner County .....	460102	.....do.	
Willow Lake, city of, Clark County .....	460014	.....do .....	July 11, 1978.
Charles Mix County, unincorporated areas .....	460257	.....do.	
Tripp County, unincorporated areas .....	460289	.....do.	
Minnesota: Winthrop, city of, Sibley County .....	270441	Mar. 11, 1997.	
Michigan: Waucedah, township of, Dickinson County ...	260986	.....do.	
Minnesota:			
Chokio, city of, Stevens County .....	270464	Mar. 18, 1997 .....	Oct. 24, 1975.
Cottonwood, city of, Lyon County <sup>1</sup> .....	270765	Mar. 21, 1997 .....	Dec. 2, 1977.
Tracy, city of, Lyon County .....	270766	.....do.	
Idaho: Riggins, city of, Idaho County .....	160189	.....do.	
North Dakota:			
Strasburg, city of, Emmons County .....	380252	Mar. 18, 1997.	
Barney, city of, Richland County .....	380695	.....do.	
South Dakota:			
De Smet, city of, Kingsburg County .....	460168	.....do.	
Chancellor, town of, Turner County .....	460104	.....do.	
McIntosh, city of, Corson County .....	460195	.....do.	
Minnesota:			
Lake Wilson, city of, Murray County .....	270767	Mar. 26, 1997.	
Good Thunder, city of, Blue Earth County .....	270768	.....do.	
Elbow Lake, city of, Grant County .....	270769	.....do.	
New Auburn, city of, Sibley County .....	270770	.....do.	
Donaldson, city of, Kittson County .....	270225	.....do.	
Menahga, city of, Wadena County .....	270493	Mar. 28, 1997 .....	Jan. 30, 1976.
Sabin, city of, Clay County .....	270771	.....do.	
Michigan:			
Republic, township of, Marquette County .....	260453	Mar. 24, 1997.	
Skandia, township of, Marquette County .....	260987	Mar. 26, 1997.	
Kentucky:			
Carroll County, unincorporated areas .....	210045	.....do .....	Feb. 25, 1977.
Logan County, unincorporated areas .....	210341	.....do .....	Sep. 9, 1977.
Idaho:			
Council, city of, Adams County .....	160005	.....do .....	May 3, 1974.
North Dakota:			
Foster County, unincorporated areas .....	380696	Mar. 26, 1997.	
Hankinson, city of, Richland County .....	380230	.....do.	
Standing Rock Indian Reservation, Sioux County	380697	.....do.	
South Dakota:			
Britton, city of, Marshall County .....	460159	.....do.	
Canistota, city of, McCook County .....	460162	.....do.	
Worthing, town of, Lincoln County .....	460151	.....do.	
Texas: Robertson County, unincorporated areas .....	480988	Mar. 27, 1997 .....	June 3, 1977.
<b>New Eligibles—Regular Program</b>			
California: Ceres, city of, Stanislaus County <sup>2</sup> .....	060385	Mar. 7, 1997 .....	Sept. 29, 1989.
North Carolina:			
Lake Lure, town of, Rutherford County <sup>3</sup> .....	370488	Mar. 4, 1997 .....	June 1, 1987.
Chatham County, unincorporated areas .....	370299	.....do .....	July 16, 1991.
Washington: Shoreline, city of, King County <sup>4</sup> .....	530327	.....do .....	May 20, 1996.
North Carolina: Orrum, town of, Robeson County .....	370349	Mar. 11, 1997 .....	Feb. 17, 1993.
Minnesota:			
Rice Lake, town of, St. Louis County .....	70742	Mar. 14, 1997 .....	Feb. 19, 1992.
Midway, town of, St. Louis County .....	270741	Mar. 21, 1997 .....	Do.
Sebekka, city of, Wadena County .....	270494	Mar. 21, 1997 .....	May 4, 1989.
Louisiana: Oak Ridge, village of, Morehouse Parish ....	220303	Mar. 27, 1997.	

State/location	Community No.	Effective date of eligibility	Current effective map date
<b>Reinstatements</b>			
Pennsylvania:			
Marion Center, borough of, Indiana County .....	420503	Sept. 29, 1975, Emerg; Sept. 1, 1986, Reg; Sept. 1, 1986, Susp; Mar. 4, 1997, Rein.	Nov. 16, 1995.
West Homestead, borough of, Allegheny County ..	420084	May 14, 1975, Emerg; Aug. 15, 1980, Reg; Oct. 4, 1995, Susp; Mar. 4, 1997, Rein.	Oct. 4, 1995.
Michigan: Wayland, city of, Allegan County .....	260744	Mar. 19, 1985, Emerg; June 5, 1989, Reg; June 5, 1989, Susp; Mar. 5, 1997, Rein.	June 5, 1989.
Pennsylvania: West Vincent, township of, Chester County.	421499	Aug. 11, 1975, Emerg; Nov. 19, 1987, Reg; Nov. 20, 1996, Susp; Mar. 7, 1997 Rein.	Nov. 20, 1996.
Idaho: Madison County, unincorporated areas .....	160217	Feb. 2, 1997, Emerg; June 3, 1991, Reg; Feb. 19, 1997, Susp; Mar. 13, 1997, Rein.	June 3, 1991.
Pennsylvania: York Springs, borough of, Adams County.	421239	May 30, 1974, Emerg; June 1, 1979, Reg; Feb. 19, 1997, Susp; Mar. 13, 1997, Rein.	Feb. 19, 1997.
Vermont: Leicester, town of, Addison County .....	500006	May 27, 1975, Emerg; Nov. 1, 1985, Reg; June 4, 1990, Susp; Mar. 14, 1997 Rein.	Nov. 1, 1985.
Wisconsin: Crawford County, unincorporated areas .....	555551	Mar. 19, 1971, Emerg; April 20, 1973, Reg; Sept. 27, 1991, Susp; Mar. 21, 1997, Rein.	Sept. 27, 1991.
New York: Ticonderoga, town of, Essex County .....	361159	Apr. 15, 1975, Emerg; May 17, 1988, Reg; Sept. 6, 1996, Susp; Mar. 21, 1997, Rein.	Sept. 6, 1996.
Idaho: Juliaetta, city of, Latah County .....	160088	Nov. 1, 1974, Emerg; Mar. 4, 1980, Reg; Mar. 4, 1980, Susp; Mar. 21, 1997 Rein;.	Mar. 4, 1980.
<b>Withdrawn</b>			
Missouri: Zalma, village of, Bollinger County .....	290033	Mar. 14, 1997, With.	
<b>Regular Program Conversions</b>			
<b>Region I</b>			
Connecticut: Granby, town of, Hartford County .....	090125	Mar. 3, 1997, Suspension Withdrawn .....	Mar. 3, 1997.
<b>Region II</b>			
New York:			
Canandaigua, town of, Ontario County .....	360598	.....do .....	Do.
Gouverneur, village of, St. Lawrence County .....	360699	.....do .....	Do.
Windham, town of, Greene County .....	361401	.....do .....	Do.
<b>Region V</b>			
Illinois: Aurora, city of, DuPage and Kane Counties .....	170320	.....do .....	Do.
<b>Region VI</b>			
Oklahoma:			
Cleveland County, unincorporated areas .....	400475	.....do .....	Do.
Lexington, city of, Cleveland County .....	400043	.....do .....	Do.
Moore, city of, Cleveland County .....	400044	.....do .....	Do.
Noble, town of, Cleveland County .....	400045	.....do .....	Do.
Norman, city of, Cleveland County .....	400046	.....do .....	Do.
Oklahoma City, city of, Cleveland County .....	405378	.....do .....	Do.
Slaughterville, town of, Cleveland County .....	400539	.....do .....	Do.
<b>Region VII</b>			
Missouri: Marshall, city of, Saline County .....	290403	.....do .....	Do.
<b>Region VIII</b>			
Colorado:			
Calhan, town of, El Paso .....	080192	.....do .....	Do.
Ramah, town of, El Paso .....	080066	.....do .....	Do.
<b>Region X</b>			
Idaho:			
Bellevue, city of, Blaine County .....	160021	.....do .....	Do.
Blaine County, unincorporated areas .....	165167	.....do .....	Do.
Hailey, city of, Blaine County .....	160022	.....do .....	Do.
Ketchum, city of, Blaine County .....	160023	.....do .....	Do.
Sun Valley, city of, Blaine County .....	160024	.....do .....	Do.

<sup>1</sup> The City of Cottonwood has adopted the Lyon County (2700256) Flood Hazard Boundary Map dated December 2, 1977.

<sup>2</sup> The City of Ceres, California has adopted the Stanislaus County (060384) Flood Insurance Rate Map dated September 29, 1989.

<sup>3</sup> The Town of Lake Lure, North Carolina has adopted the Rutherford County (370217) Flood Insurance Rate Map dated June 1, 1987.

<sup>4</sup> The City of Shoreline, Washington has adopted the King County (530071) Flood Insurance Rate Map dated May 20, 1996.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension; With.—Withdrawn.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: April 14, 1997.

**Richard W. Krimm,**

*Executive Associate Director, Mitigation Directorate.*

[FR Doc. 97-10266 Filed 4-21-97; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 2

[ET Docket No. 95-18; FCC 97-93]

### 2 GHz for Use by the Mobile Satellite Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** By this action, the Commission allocates 70 megahertz of spectrum at 1990-2025 MHz and 2165-2200 MHz to the Mobile-Satellite Service (MSS), to become available January 1, 2000. In order to make this spectrum available for MSS use, we are modifying the current Broadcast Auxiliary Service (BAS), Cable Television Relay Service (CARS), and Local Television Transmission Service (LTTS) allocation at 1990-2110 MHz by providing an allocation instead at 2025-2130 MHz and proposing to rechannelize these latter services at 2 GHz, from seven channels of 17- and 18-megahertz bandwidths to seven channels of 15-megahertz bandwidth. This allocation will allow the United States to participate in global MSS systems and realize the benefits to consumers of such systems. The 70 megahertz will also provide sufficient bandwidth for the operation of multiple service providers.

**EFFECTIVE DATE:** May 22, 1997.

**FOR FURTHER INFORMATION CONTACT:** Sean White, Office of Engineering and Technology, (202) 418-2453.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *First Report and Order*, ET Docket 95-18, FCC 97-93, adopted March 13, 1997, and released March 14, 1997. 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 First Report and Order

1. In the Report and Order, the Commission allocates 70 megahertz of spectrum at 1990-2025 MHz and 2165-2200 MHz to the Mobile-Satellite Service (MSS), effective January 1, 2000. In order to make this spectrum available for MSS use, we are modifying the current Broadcast Auxiliary Service (BAS), Cable Television Relay Service (CARS), and Local Television Transmission Service (LTTS) allocation at 1990-2110 MHz by providing an allocation instead at 2025-2130 MHz and proposing to rechannelize these latter services at 2 GHz, from seven channels of 17- and 18-megahertz bandwidths to seven channels of 15-megahertz bandwidth. We are proposing reaccommodation of existing BAS and Fixed Service (FS) operations in the 1990-2025 MHz, 2110-2130 MHz, and 2165-2200 MHz bands in accordance with the policies we established in our Emerging Technologies proceeding.<sup>1</sup> We defer action on technical parameters and licensing issues for MSS in the 2 GHz band. Finally, we dispose of a related pioneer's preference request filed by Celsat America, Inc. (Celsat).

#### A. Spectrum Allocation

2. We find that it is in the public interest to allocate spectrum at 2 GHz to MSS. We note that the Radiocommunication Sector of the ITU estimates that up to 206 megahertz of additional spectrum will be needed for MSS by the year 2005. We believe that MSS would also provide another option for mobile communications, and would provide communications to underserved areas, such as rural and remote areas where PCS, cellular, and other mobile services are less feasible. There is clearly substantial interest in providing MSS communications in the 2 GHz band, as demonstrated by the ten commenters who indicated they plan to provide mobile satellite service in the 2 GHz band.

3. We further find that it is in the public interest to allocate the full 70 megahertz at 1990-2025 MHz (uplink)

<sup>1</sup> See *In re Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies* (Emerging Technologies), ET Docket 92-9, 57 FR 5993, February 19, 1992; *First Report and Order and Second NPRM of Proposed Rule Making*, FCC 92-437, 7 FCC Rcd. 6886 (1992), 57 FR 49020, October 29, 1992; *Second Report and Order*, FCC 93-350, 8 FCC Rcd 6495 (1993), 58 FR 49220, September 22, 1993; *Third Report and Order and Memorandum Opinion and Order*, FCC 93-351, 8 FCC Rcd 6589 (1993), 58 FR 46547, September 2, 1993; *Memorandum Opinion and Order*, FCC 94-60, 9 FCC Rcd 1943 (1994), 59 FR 19642, April 25, 1994; *Second Memorandum Opinion and Order*, FCC 94-303, 9 FCC Rcd. 7797 (1994), 59 FR 65501, December 20, 1994.

and 2165-2200 MHz (downlink) to MSS as proposed, rather than a lesser amount. Because of the projected need for more MSS spectrum internationally, WRC-95 reallocated the 2010-2025 MHz portion to MSS in Region 2, effective January 1, 2005. As we stated in the NPRM<sup>2</sup>, we believe that any 2 GHz MSS allocation should be as consistent as possible with the WARC-92 and WRC-95 allocations. This will help ensure truly universal service. In making our domestic allocation, therefore, we are supporting international plans for MSS in the 2 GHz band. We believe that this allocation will allow the United States to participate in global MSS systems and realize the benefits to consumers of such systems. A 70 megahertz will also provide sufficient bandwidth for the operation of multiple service providers.

4. Much of the spectrum for the proposed reallocation was identified as appropriate spectrum for reallocation to emerging technologies, such as MSS, in our Emerging Technologies proceeding. Some parties complain of scarcity of replacement spectrum in the 6 and 11 GHz bands for 2 GHz incumbents. In our Emerging Technologies proceeding, however, we reallocated the 1850-1990, 2110-2150, and 2160-2200 MHz bands from FS to emerging technologies, a total of 220 megahertz. We made a total of 2,480 megahertz of spectrum available for relocated FS licensees in the 4, 6, 10, and 11 GHz bands. Even though some of the higher-frequency spectrum is shared with other services, we believe that there is enough spectrum in those bands to accommodate relocation of the incumbents of 220 megahertz of spectrum, including the existing 2110-2130 MHz and 2165-2200 MHz FS licensees.

#### B. Relocation of Existing 1990-2025 MHz Band Services

5. The 1990-2025 MHz band is part of the 1990-2110 MHz band that is currently allocated to BAS, CARS, and LTTS. For this proceeding, we will collectively term these services BAS, and any changes in our regulatory structure applicable to BAS will be equally applicable to CARS and LTTS. We will treat CARS and LTTS in the same manner as BAS because both CARS and LTTS are authorized users of the 1990-2025 MHz band, and have invested in equipment to use the band, as has BAS. In the NPRM, we observed

<sup>2</sup> *In re Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service*, ET Docket No. 95-18, Notice of Proposed Rule Making, 10 FCC Rcd 3230, 3233 (1995), 60 FR 11644, March 2, 1995.