

## PART 300—MANUAL OF REGULATIONS AND PROCEDURES FOR FEDERAL RADIO FREQUENCY MANAGEMENT

AUTHORITY: 47 U.S.C. 901 *et seq.*, Executive Order 12046 (March 27, 1978), 43 FR 13349, 3 CFR 1978 Comp., p. 158.

### §300.1 Incorporation by reference of the Manual of Regulations and Procedures for Federal Radio Frequency Management.

(a) The Manual of Regulations and Procedures for Federal Radio Frequency Management (hereinafter referred to as the NTIA Manual) is issued by the Assistant Secretary of Commerce for Communications and Information, and is specifically designed to cover the Assistant Secretary's frequency management responsibilities pursuant to delegated authority under 47 U.S.C. 901 *et seq.* and Executive Order 12046 (March 27, 1978).

(b) The Federal agencies shall comply with the requirements set forth in the 2013 edition of the NTIA Manual, as revised through September 2015, which is incorporated by reference with approval of the Director, Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The NTIA Manual is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, by referring to Catalog Number 903-008-00000-8. A reference copy of the NTIA Manual, including all revision in effect, is available in the Office of Spectrum Management, 1401 Constitution Avenue NW., Room 1087, Washington, DC 20230, or call William Mitchell at (202) 482-8124. The NTIA Manual is available online at <https://www.ntia.doc.gov/osmhome/redbook/redbook.html>.

[58 FR 44136, Aug. 19, 1993, as amended at 69 FR 18803, Apr. 9, 2004; 74 FR 16796, Apr. 13, 2009; 74 FR 31639, July 2, 2009; 75 FR 6819, Feb. 11, 2010; 75 FR 54791, Sept. 9, 2010; 76 FR 18652, Apr. 5, 2011; 76 FR 56985, Sept. 15, 2011; 77 FR 75568, Dec. 21, 2012; 78 FR 52098, Aug. 22, 2013; 79 FR 73487, Dec. 11, 2014; 81 FR 34914, June 1, 2016]

## PART 301—RELOCATION OF AND SPECTRUM SHARING BY FEDERAL GOVERNMENT STATIONS

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AUTHORITY: National Telecommunications and Information Administration Organization Act, 47 U.S.C. 901 *et seq.*, as amended by the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, Title VI, Subtitle G, 126 Stat. 245 (Feb. 22, 2012) (47 U.S.C. 923(g)-(1), 928) and the Spectrum Pipeline Act of 2015, Title X of the Bipartisan Budget Act of 2015, Pub. L. 114-74, 129 Stat. 621 (Nov. 5, 2015) (47 U.S.C. 923, 928).

SOURCE: 78 FR 5315, Jan. 25, 2013, unless otherwise noted.

### Subpart A—General Information

#### §301.1 Purpose.

The purpose of this part is to set forth procedures for the Technical Panel and Dispute Resolution Board as required pursuant to the National Telecommunications and Information Administration Organization Act (hereinafter "NTIA Organization Act"), as amended (47 U.S.C. 923(g)-(1) and 928).

[81 FR 3338, Jan. 21, 2016]

#### §301.10 Cross-reference.

The Manual of Regulations and Procedures for Federal Radio Frequency Management (hereinafter referred to as the "NTIA Manual") issued by the Assistant Secretary of Commerce for Communications and Information, is

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incorporated by reference in §300.1 of this chapter and available online at <http://www.ntia.doc.gov/osmhome/redbook/redbook.html>. Annex O of the NTIA Manual, as revised, contains information, policies and procedures applicable to Federal agencies that implement the statutory provisions referenced in §301.1 of this subpart with regard to such agencies that operate authorized U.S. Government stations in Eligible Frequencies and that incur relocation costs or sharing costs because of planning for an auction or the reallocation of such frequencies from Federal use to exclusive non-Federal use or to shared use. The NTIA Manual applies only to Federal agencies and does not impact the rights or obligations of the public. Accordingly, this cross reference is for information purposes only.

### § 301.20 Definitions.

*Assistant Secretary* means the Assistant Secretary of Commerce for Communications and Information.

*Auction* means the competitive bidding process through which licenses are assigned by the Commission under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

*Commission* means the Federal Communications Commission.

*Dispute Resolution Board* means any board established pursuant to section 113(i) of the NTIA Organization Act (47 U.S.C. 923(i)) and subpart C of this part.

*Eligible Federal Entity* means any Federal Entity that:

- (1) Operates a U.S. Government station; and
- (2) That incurs relocation costs or sharing costs because of planning for an auction of eligible spectrum frequencies or the reallocation of eligible spectrum frequencies from Federal use to exclusive non-Federal use or to shared use.

*Eligible frequencies* means any band of frequencies reallocated from Federal use to non-Federal use or to shared use after January 1, 2003, that is assigned by auction.

*Federal Entity* means any department, agency, or other instrumentality of the Federal Government that utilizes a Government station license obtained under section 305 of the 1934 Act (47 U.S.C. 305). [47 U.S.C. 923(1)]

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*Non-Federal user* means a Commission licensee authorized to use Eligible Frequencies or a winning bidder in a Commission auction for Eligible Frequencies that has fulfilled the Commission's requirements for filing a long-form license application and remitting its final bid payment.

*NTIA* means the National Telecommunications and Information Administration.

*NTIA Manual* means the Manual of Regulations and Procedures for Federal Radio Frequency Management issued by the Assistant Secretary of Commerce for Communications and Information and incorporated by reference in §300.1 of this chapter (47 CFR 300.1).

*OMB* means the Office of Management and Budget.

*Spectrum Pipeline Plan* means a plan submitted by a Federal Entity pursuant to section 118(g)(2)(E)(i) of the NTIA Organization Act (47 U.S.C. 928(g)(2)(E)(i)).

*Technical Panel* means the panel established by section 113(h)(3)(A) of the NTIA Organization Act (47 U.S.C. 923(h)(3)(A)) and governed by subpart B of this part.

*Transition Plan* means the plan submitted by a Federal Entity pursuant to section 113(h)(1) of the NTIA Organization Act (47 U.S.C. 923(h)(1)).

[78 FR 5315, Jan. 25, 2013, as amended at 81 FR 3338, Jan. 21, 2016]

### § 301.30 Address for submissions to the Technical Panel and Dispute Resolution Board.

Submissions to the Technical Panel and the Dispute Resolution Board under this section shall be made to the Office of the Assistant Secretary, National Telecommunications and Information Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

[81 FR 3338, Jan. 21, 2016]

## Subpart B—Technical Panel

### § 301.100 Membership.

(a) *Technical Panel membership*. The Technical Panel established by section 113(h)(3)(A) of the NTIA Organization Act (47 U.S.C. 923(h)(3)(A)) shall be