

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site “MN Dakhue Sanitary Landfill, Cannon Falls”.

[FR Doc. 95–18115 Filed 7–21–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION
47 CFR Parts 2 and 87

[GEN Docket No. 90–56; FCC 95–267]

Mobile-Satellite Service and Aeronautical Telemetry

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this *Second Report and Order (Second R&O)* the Commission reallocates the 1525–1530 MHz band to the mobile-satellite service (MSS) on a primary basis for space-to-Earth (downlink) transmissions. This action will increase the efficiency of MSS operations in the previously allocated 1530–1544 MHz band (downlink) and the 1626.5–1645.5 MHz band (Earth-to-space, or uplink) by equalizing the amount of spectrum available in each segment. This action implements a 1992 World Administrative Radio Conference (WARC–92) spectrum allocation and facilitates international coordination for use of this spectrum.

EFFECTIVE DATE: August 23, 1995.

FOR FURTHER INFORMATION CONTACT:

Tom Mooring, Office of Engineering and Technology, (202) 776–1620.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second R&O* in GEN Docket No. 90–56, adopted June 26, 1995, and released July 6, 1995. The complete *Second R&O* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington DC 20037.

Summary of Second R&O

1. In the *First Report and Order*, 58 FR 34920 (June 30, 1993), the Commission allocated 14 megahertz of downlink spectrum at 1530–1544 MHz and 19 megahertz of uplink spectrum at 1626.5–1645.5 MHz to the MSS on a co-primary basis with the Maritime Mobile-Satellite Service (MMSS). The Commission also provided that MMSS distress and safety communications have priority access with real-time preemptive capability throughout the subject bands.

2. In the *Further Notice of Proposed Rule Making*, 58 FR 34404 (June 25, 1993), the Commission proposed to allocate five megahertz of spectrum at 1525–1530 MHz for MSS downlink use on a primary basis. The Commission indicated that this allocation would permit enhanced efficiency of future MSS operations in the 1.5/1.6 GHz spectrum range (L-band) by equalizing the amount of spectrum in the uplink and downlink bands available for MSS communications. Currently this spectrum is part of the 1435–1530 MHz band that is allocated to the mobile service on a primary basis for aeronautical telemetry. The Commission tentatively concluded that it does not appear to be technically feasible for aeronautical telemetry and MSS to operate in the 1525–1530 MHz band on a co-primary basis, and therefore proposed to reallocate this band on a primary basis to the MSS only. The Commission also proposed to permit aeronautical telemetry in the band on a secondary basis, with no grandfathering of existing aeronautical telemetry users.

3. All parties submitting comments in response to the *Further Notice of Proposed Rule Making* support the proposal to reallocate the 1525–1530 MHz band for MSS operations. In addition, the issue of whether MMSS distress and safety communications in the 1525–1530 MHz band should have priority access with real-time capability was raised.

4. The Commission finds that the reallocation of the 1525–1530 MHz band to the MSS on a primary basis would enhance the efficiency of satellite operations in the L-band by equalizing the amount of spectrum in the uplink and downlink band segments available for MMSS communications. The Commission disagrees with the argument that the 1525–1530 MHz band should be subject to the priority access and immediate availability requirements for MMSS distress and safety communications. The Commission is unable to identify any domestic need for additional global MMSS distress and

safety spectrum. The Commission currently requires that MSS systems monitor nearby MMSS systems so that MMSS distress and safety communications receive priority access with real-time preemption in the 1626.5–1631.5 MHz and other bands. However, since the Commission is not licensing MMSS systems in the 1525–1530 MHz band, it is not necessary to extend this requirement to include the 1525–1530 MHz band.

5. The Commission also finds that the existing primary allocation for aeronautical telemetry in the 1525–1530 MHz band should be downgraded to a secondary service so as not to inhibit MSS operations. Since an MSS system would serve essentially all of the nation and aeronautical telemetry operations tend to affect relatively large geographic areas, the Commission believes that it would not be practical for those services to share the band on a co-primary basis. Accordingly, the 1525–1530 MHz band is allocated on a primary basis to the MSS and on a secondary basis to the mobile service for aeronautical telemetry, and footnote US78 is modified as set forth in the amendatory text. Finally, the Commission expects that the band will be in use by MSS systems by the end of 1995. Therefore, aeronautical telemetry users of the band should be aware that they may have to protect or receive interference from such operations.

6. Several of the commenting parties address issues of eligibility that were not raised in the *Further Notice of Proposed Rule Making*. The Commission is not addressing these issues herein, as they are outside the scope of this proceeding. Licensing issues, including eligibility standards and operating rules, will be the subject of a new proceeding that the Commission intends to initiate in the near future.

7. Accordingly, It Is Ordered; That Parts 2 and 87 of the Commission's Rules Are Amended as specified below, effective August 23, 1995. It Is Further Ordered; That the Request for Clarification filed by Loral Qualcomm Satellite Services, Inc. Is Granted to the extent discussed above and Is Denied in all other respects. This action is taken pursuant to Sections 4(i), 7(a), 302, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157(a), 302, 303(c), 303(f), 303(g), and 303(r).

List of Subjects

47 CFR Part 2

Radio.