

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Parts 1, 2, 87 and 101**

[WT Docket No. 99–327, FCC 00–272]

**24 GHz Service; Licensing and Operation****AGENCY:** Federal Communications Commission.**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** This document is to show rules amended by the Commission in order to implement licensing and operation of the 24 GHz band, shall become effective February 22, 2001. These sections, which contained new information collection requirements, were published in the **Federal Register** December 28, 2000, (OMB No. 3060–0963). This is to let the public know the effective date of the rules that contain new information collection requirements.

**EFFECTIVE DATE:** The amendments to 47 CFR 101.527 and 101.529 published at 65 FR 59350 (October 5, 2000) are effective February 22, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jim Shaffer, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418–0680.

**SUPPLEMENTARY INFORMATION:** On July 25, 2000, the Commission adopted a *Report and Order* (“Order”) (FCC 00–272) to implement licensing and operation of the 24.25–24.45 GHz and 25.05–25.25 GHz bands, a summary of which was published in the **Federal Register**. See 65 FR 59350 (October 5, 2000). We stated that the Part 101 of the Commission’s rules, 47 CFR Part 101, is amended effective December 4, 2000, except for §§ 101.527 and 101.529 which contains information collections that are not effective until approved by the Office of Management and Budget. We also stated that the Commission will publish a document in the **Federal Register** announcing the effective date for those sections. This statement requires further action by the Commission to establish the effective date, notwithstanding the preceding statement in the summary that the rule change would become effective upon OMB approval. In order to resolve this matter in a manner that most appropriately provides interested parties with proper notice, the rule changes adopted in the Order shall become effective February 22, 2001. The information collection was approved by

OMB on December 1, 2000. See OMB No. 3060–0963.

**List of Subjects in 47 CFR Part 90**

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 2**

[FCC 01–30]

**33–36 GHz for Federal Government Use**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The document amends the Table of Frequency Allocations, by adding a new footnote, US360, to permit use of the band 33–36 GHz by the Federal Government fixed-satellite service (FSS), space-to-Earth. An existing footnote, G117, also was revised to denote that the Federal Government’s use of this band is limited to military systems. This action was taken in response to a request filed by the Administrator, National Telecommunications and Information Administration (“NTIA”) for the purpose of advancing, supporting, and accommodating the national defense.

**DATES:** Effective February 22, 2001.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Hosford, Office of Engineering and Technology, (202) 418–0652.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s *Memorandum Opinion and Order*, FCC 01–30, adopted January 19, 2001, and released January 26, 2001. The full text of this Commission decision is available on the Commission’s Internet site at <http://www.fcc.gov>. It is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission’s duplication contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

**Summary of the Memorandum Opinion and Order**

1. On January 12, 2001, the Administrator, NTIA, requested that the Commission add a United States footnote to the United States Table of Frequency Allocations, 47 CFR 2.106, that would allocate the band 33–36 GHz on a primary basis to the Federal Government fixed-satellite service (space-to-Earth). NTIA stated that this matter involves military functions, as well as specific national security interests of the United States, that the reallocation is essential to fulfill requirements for Federal Government space systems to perform satisfactorily, and that these Department of Defense (“DoD”) requirements cannot be accommodated in frequency bands currently allocated for Federal Government fixed-satellite service (space-to-Earth). NTIA indicated that the Federal Government footnote G117 will be modified to limit Federal Government fixed-satellite use of this band to military systems. NTIA also requested expedited consideration, and that the rules be amended without public notice or comment due to the near-term national security interests.

2. Nationally, the band 33–33.4 GHz is shared Federal Government and non-Federal Government spectrum that is allocated to the radionavigation service on a primary basis. In the sub-band 31.8–33.4 GHz, ground based radionavigation aids are permitted only where they are used in cooperation with airborne or shipborne radionavigation devices. Non-Federal Government airborne radionavigation devices are licensed under Part 87 of the Commission’s Rules. This allocation, however, is currently unused by non-Federal Government licensees.

3. The band 33.4–36 GHz is allocated to the radiolocation service on a primary basis for the Federal Government and on a secondary basis for non-Federal Government use. However, all non-military radiolocation devices operating in this band are secondary to the military services, except for the sub-band 34.4–34.5 GHz, where weather radars on board meteorological satellites for cloud detection are authorized to operate on an equal basis with military radiolocation devices. In the sub-band 34.2–34.7 GHz, an additional allocation is made for space research service (deep space, Earth-to-space) at Goldstone, California. In the band 33.4–36 GHz, non-Federal Government radiolocation is permitted under part 90 of the Commission’s Rules. There is currently only limited non-Federal Government use of the band 33.4–36 GHz. The