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## X. Statutory and Executive Order Reviews

This final rule modifies a tolerance exemption under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are modified on the basis of a petition under section 408(d) of FFDCA, such as the tolerance exemption in this final

rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes. As a result, this action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal governments, on the relationship between the national government and the States or Tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

## XI. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

## List of Subjects in 40 CFR Part 174

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 3, 2011.

**Keith A. Matthews,**

*Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

## PART 174—[AMENDED]

■ 1. The authority citation for part 174 continues to read as follows:

**Authority:** 7 U.S.C. 136–136y; 21 U.S.C. 346a and 371.

■ 2. Section 174.532 is revised to read as follows:

### § 174.532 *Bacillus thuringiensis* eCry3.1Ab protein in corn; temporary exemption from the requirement of a tolerance.

Residues of *Bacillus thuringiensis* eCry3.1Ab protein in corn, in or on the food and feed commodities of corn; corn, field; corn, sweet; and corn, pop are exempt temporarily from the requirement of a tolerance when *Bacillus thuringiensis* eCry3.1Ab protein in corn is used as a plant-incorporated protectant in accordance with the terms of Experimental Use Permit 67979–EUP–8. This temporary exemption from the requirement of a tolerance expires and is revoked on March 1, 2013.

[FR Doc. 2011–6035 Filed 3–15–11; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–8173]

### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the

effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

**DATES: Effective Dates:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2953.

**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 aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their

eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

**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 Administrator has determined that this

rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

**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.

**Executive Order 13132, Federalism.** This rule involves no policies that have federalism implications under Executive Order 13132.

**Executive Order 12988, Civil Justice Reform.** This rule meets the applicable standards of Executive Order 12988.

**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.*

#### 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 and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
<b>Region IV</b>				
South Carolina:				
McCormick, Town of, McCormick County	450152	July 15, 1975, Emerg; June 25, 1976, Reg; April 4, 2011, Susp.	April 4, 2011 ...	April 4, 2011
McCormick County, Unincorporated Areas.	450226	December 29, 1975, Emerg; October 1, 1989, Reg; April 4, 2011, Susp.	*.....do .....	do.
<b>Region V</b>				
Michigan:				
Albion, City of, Calhoun County .....	260050	July 1, 1975, Emerg; June 15, 1982, Reg; April 4, 2011, Susp.	.....do .....	do.

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Albion, Township of, Calhoun County .....	260639	September 12, 1975, Emerg; October 15, 1982, Reg; April 4, 2011, Susp.	.....do .....	do.
Athens, Village of, Calhoun County .....	260558	March 24, 1977, Emerg; November 15, 1985, Reg; April 4, 2011, Susp.	.....do .....	do.
Battle Creek, City of, Calhoun County .....	260051	July 2, 1975, Emerg; April 4, 1983, Reg; April 4, 2011, Susp.	.....do .....	do.
Bedford, Township of, Calhoun County. ...	260052	May 30, 1975, Emerg; February 2, 1983, Reg; April 4, 2011, Susp.	.....do .....	do.
Burlington, Township of, Calhoun County	260651	December 2, 1975, Emerg; July 2, 1987, Reg; April 4, 2011, Susp.	.....do .....	do.
Burlington, Village of, Calhoun County .....	260559	November 21, 1975, Emerg; July 2, 1987, Reg; April 4, 2011, Susp.	.....do .....	do.
Clarence, Township of, Calhoun County ..	260560	May 12, 1977, Emerg; February 18, 1983, Reg; April 4, 2011, Susp.	.....do .....	do.
Convis, Township of, Calhoun County .....	260652	December 5, 1975, Emerg; February 11, 1983, Reg; April 4, 2011, Susp.	.....do .....	do.
Eckford, Township of, Calhoun County ....	260653	December 16, 1975, Emerg; August 19, 1986, Reg; April 4, 2011, Susp.	.....do .....	do.
Emmett, Township of, Calhoun County ....	260561	December 5, 1975, Emerg; June 1, 1983, Reg; April 4, 2011, Susp.	.....do .....	do.
Fredonia, Township of, Calhoun County ..	260562	December 22, 1975, Emerg; August 19, 1987, Reg; April 4, 2011, Susp.	.....do .....	do.
Homer, Village of, Calhoun County .....	260331	December 5, 1975, Emerg; May 3, 1982, Reg; April 4, 2011, Susp.	.....do .....	do.
Lee, Township of, Calhoun County .....	260668	March 26, 1976, Emerg; May 15, 1985, Reg; April 4, 2011, Susp.	.....do .....	do.
Leroy, Township of, Calhoun County .....	260655	February 19, 1976, Emerg; March 1, 1987, Reg; April 4, 2011, Susp.	.....do .....	do.
Marengo, Township of, Calhoun County ..	260563	May 30, 1979, Emerg; May 17, 1982, Reg; April 4, 2011, Susp.	.....do .....	do.
Marshall, City of, Calhoun County .....	260053	May 13, 1975, Emerg; April 1, 1982, Reg; April 4, 2011, Susp.	.....do .....	do.
Marshall, Township of, Calhoun County ...	260642	October 9, 1975, Emerg; February 11, 1983, Reg; April 4, 2011, Susp.	.....do .....	do.
Newton, Township of, Calhoun County ....	260647	November 18, 1975, Emerg; September 1, 1986, Reg; April 4, 2011, Susp.	.....do .....	do.
Pennfield, Charter Township, Calhoun County.	260564	August 25, 1975, Emerg; October 15, 1982, Reg; April 4, 2011, Susp.	.....do .....	do.
Sheridan, Township of, Calhoun County ..	260649	November 20, 1975, Emerg; March 11, 1983, Reg; April 4, 2011, Susp.	.....do .....	do.
Springfield, City of, Calhoun County .....	260054	August 11, 1975, Emerg; September 28, 1979, Reg; April 4, 2011, Susp.	.....do .....	do.
Tekonsha, Township of, Calhoun County	260709	July 20, 1977, Emerg; June 4, 1987, Reg; April 4, 2011, Susp.	.....do .....	do.
Tekonsha, Village of, Calhoun County .....	260565	December 19, 1975, Emerg; May 1, 1987, Reg; April 4, 2011, Susp.	.....do .....	do.
Ohio:				
Archbold, Village of, Fulton County .....	390603	April 30, 1976, Emerg; January 4, 1985, Reg; April 4, 2011, Susp.	.....do .....	do.
Bellville, Village of, Richland County .....	390604	June 30, 1976, Emerg; March 16, 1989, Reg; April 4, 2011, Susp.	.....do .....	do.
Butler, Village of, Richland County .....	390605	June 24, 1976, Emerg; November 15, 1989, Reg; April 4, 2011, Susp.	.....do .....	do.
Delta, Village of, Fulton County .....	390183	April 28, 1975, Emerg; May 15, 1984, Reg; April 4, 2011, Susp.	.....do .....	do.
Fayette, Village of, Fulton County .....	390829	February 8, 1999, Emerg; April 4, 2011, Reg; April 4, 2011, Susp.	.....do .....	do.
Lucas, Village of, Richland County .....	390661	September 24, 1987, Emerg; September 1, 1993, Reg; April 4, 2011, Susp.	.....do .....	do.
Mansfield, City of, Richland County .....	390477	April 2, 1975, Emerg; January 3, 1986, Reg; April 4, 2011, Susp.	.....do .....	do.
Metamora, Village of, Fulton County .....	390840	July 21, 1982, Emerg; May 16, 1995, Reg; April 4, 2011, Susp.	.....do .....	do.
Ontario, Village of, Richland County .....	390478	July 11, 1975, Emerg; January 30, 1984, Reg; April 4, 2011, Susp.	.....do .....	do.
Plymouth, Village of, Huron and Richland Counties.	390287	July 30, 1999, Emerg; April 4, 2011, Reg; April 4, 2011, Susp.	.....do .....	do.
Richland County, Unincorporated Areas ..	390476	December 11, 1984, Emerg; April 2, 1991, Reg; April 4, 2011, Susp.	.....do .....	do.

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Shelby, City of, Richland County .....	390479	July 30, 1975, Emerg; March 2, 1989, Reg; April 4, 2011, Susp.	.....do .....	do.
Wauseon, City of, Fulton County .....	390184	July 22, 1975, Emerg; July 6, 1984, Reg; April 4, 2011, Susp.	.....do .....	do.
Wisconsin:				
Arcadia, City of, Trempealeau County .....	550439	September 30, 1975, Emerg; August 19, 1991, Reg; April 4, 2011, Susp.	.....do .....	do.
Blair, City of, Trempealeau County .....	550440	February 27, 1975, Emerg; November 16, 1990, Reg; April 4, 2011, Susp.	.....do .....	do.
Eleva, Village of, Trempealeau County ....	550441	May 23, 1975, Emerg; December 5, 1989, Reg; April 4, 2011, Susp.	.....do .....	do.
Ettrick, Village of, Trempealeau County ...	550442	July 15, 1975, Emerg; June 15, 1982, Reg; April 4, 2011, Susp.	.....do .....	do.
Galesville, City of, Trempealeau County ..	550443	February 23, 1976, Emerg; March 16, 1981, Reg; April 4, 2011, Susp.	.....do .....	do.
Independence, City of, Trempealeau County.	550444	July 5, 1974, Emerg; September 27, 1991, Reg; April 4, 2011, Susp.	.....do .....	do.
Osseo, City of, Trempealeau County .....	550445	August 19, 1975, Emerg; September 5, 1990, Reg; April 4, 2011, Susp.	.....do .....	do.
Pigeon Falls, Village of, Trempealeau County.	550446	March 26, 1976, Emerg; September 16, 1988, Reg; April 4, 2011, Susp.	.....do .....	do.
Strum, Village of, Trempealeau County ...	555583	April 9, 1971, Emerg; May 13, 1972, Reg; April 4, 2011, Susp.	.....do .....	do.
Trempealeau, Village of, Trempealeau County.	555584	May 28, 1971, Emerg; December 12, 1972, Reg; April 4, 2011, Susp.	.....do .....	do.
Trempealeau County, Unincorporated Areas.	555585	May 14, 1971, Emerg; December 22, 1972, Reg; April 4, 2011, Susp.	.....do .....	do.
Whitehall, City of, Trempealeau County ...	550449	February 7, 1975, Emerg; November 16, 1990, Reg; April 4, 2011, Susp.	.....do .....	do.
<b>Region VI</b>				
Arkansas:				
Fulton, Town of, Hempstead County .....	050086	April 22, 1975, Emerg; August 3, 1982, Reg; April 4, 2011, Susp.	.....do .....	do.
Hempstead County, Unincorporated Areas.	050436	March 28, 1995, Emerg; October 1, 2007, Reg; April 4, 2011, Susp.	.....do .....	do.
Texas:				
Crockett, City of, Houston County .....	480359	June 24, 1975, Emerg; September 30, 1980, Reg; April 4, 2011, Susp.	.....do .....	do.
Grapeland, Town of, Houston County .....	480873	March 15, 2001, Emerg; August 1, 2008, Reg; April 4, 2011, Susp.	.....do .....	do.
Houston County, Unincorporated Areas ...	480872	July 2, 1993, Emerg; August 1, 2008, Reg; April 4, 2011, Susp.	.....do .....	do.
Lovelady, City of, Houston County .....	480874	June 22, 1990, Emerg; March 1, 1991, Reg; April 4, 2011, Susp.	.....do .....	do.
Maverick County, Unincorporated Areas ..	480470	N/A, Emerg; September 23, 1996, Reg; April 4, 2011, Susp.	.....do .....	do.
Woodville, City of, Tyler County .....	481035	August 1, 1979, Emerg; October 26, 1982, Reg; April 4, 2011, Susp.	.....do .....	do.
<b>Region VII</b>				
Iowa:				
Anamosa, City of, Jones County .....	190174	July 25, 1975, Emerg; August 19, 1987, Reg; April 4, 2011, Susp.	.....do .....	do.
Jones County, Unincorporated Areas .....	190919	March 21, 1979, Emerg; September 30, 1988, Reg; April 4, 2011, Susp.	.....do .....	do.
Monticello, City of, Jones County .....	190175	November 27, 1974, Emerg; April 2, 1979, Reg; April 4, 2011, Susp.	.....do .....	do.
Olin, City of, Jones County .....	190176	July 12, 1976, Emerg; February 1, 1987, Reg; April 4, 2011, Susp.	.....do .....	do.
Missouri:				
Cameron, City of, Clinton County .....	290104	August 25, 1975, Emerg; August 24, 1984, Reg; April 4, 2011, Susp.	.....do .....	do.
Gower, City of, Buchanan and Clinton Counties..	290105	June 23, 1975, Emerg; July 18, 1985, Reg; April 4, 2011, Susp.	.....do .....	do.
Lathrop, City of, Clinton County .....	290704	June 22, 1976, Emerg; July 18, 1985, Reg; April 4, 2011, Susp.	.....do .....	do.
Plattsburg, City of, Clinton County .....	290106	March 31, 1975, Emerg; February 2, 1983, Reg; April 4, 2011, Susp.	.....do .....	do.

\*do = Ditto.

Code for reading third column: Emerg. —Emergency; Reg. —Regular; Susp. —Suspension.

Dated: March 8, 2011.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation  
Administrator, Mitigation.*

[FR Doc. 2011-6058 Filed 3-15-11; 8:45 am]

**BILLING CODE 9110-12-P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 25**

**[IB Docket No. 06-123; FCC 10-188]**

#### **The Establishment of Policies and Service Rules for the Broadcasting- Satellite Service**

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission denies two petitions for reconsideration filed by Telesat Canada (Telesat) challenging certain aspects of the processing and technical rules adopted for the 17/24 GHz Broadcasting-Satellite Service (BSS). Specifically, we decline to adopt Telesat's proposal that the Federal Communications Commission (Commission) impose additional blanket international coordination licensing conditions on U.S.-licensed 17/24 GHz BSS space stations. Finally, we are not persuaded by Telesat's argument that the Commission's technical and procedural rules concerning assignment of orbital locations and frequencies are inapplicable to requests filed by non-U.S.-licensed 17/24 GHz BSS space stations operators seeking to access the market in the United States.

**DATES:** Effective April 15, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Andrea Kelly, Satellite Division,  
International Bureau, at 202-418-7877  
or via e-mail at [Andrea.Kelly@fcc.gov](mailto:Andrea.Kelly@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Second Order on Reconsideration in IB Docket No. 06-123, FCC 10-188, adopted October 29, 2010 and released November 1, 2010. The full text of the Second Order on Reconsideration is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402,

Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com). When ordering documents from BCPI please provide the appropriate FCC document number (for example, FCC 07-174, Order on Reconsideration). The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by sending an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consider & Governmental Affairs Bureau at 202-418-0530 (voice), or 202-418-0432 (tty).

#### **Synopsis**

The Commission denied two petitions for reconsideration filed by Telesat Canada (Telesat) challenging certain aspects of the processing and technical rules adopted for the 17/24 GHz Broadcasting-Satellite Service (BSS). Specifically, we decline to adopt Telesat's proposal that the Commission impose additional blanket international coordination licensing conditions on U.S.-licensed 17/24 GHz BSS space stations. Commission provisions for imposing additional coordination requirements already exist and can be invoked, if needed, on a case-by-case basis. While we reject Telesat's petition for reconsideration on this point, we will continue to follow the applicable coordination procedures set out in the International Telecommunication Union's (ITU) Radio Regulations for the particular band segment being coordinated. Finally, we are not persuaded by Telesat's argument that the Commission's technical and procedural rules concerning assignment of orbital locations and frequencies are inapplicable to requests filed by non-U.S.-licensed 17/24 GHz BSS space stations operators seeking to access the market in the United States. These rules apply to both U.S.- and non-U.S.-licensed operators.

In May 2007, the Commission released a Report and Order and Further Notice of Proposed Rulemaking, 72 FR 46939, August 22, 2007. In the 17/24 GHz BSS R&O, the Commission decided to apply the first-come, first-served licensing process to applications for geostationary satellite orbit (GSO)-like space stations in this service. At the same time, the Commission also adopted technical rules, including a framework in which 17/24 GHz BSS space stations would operate at orbital locations spaced at four degree intervals, as set forth in 17/24 GHz BSS R&O Appendix F (known as Appendix F locations). In adopting this four-

degree spacing framework, the Commission recognized that rigid application of the spacing plan would not serve the public interest because at some Appendix F locations there might be undesirable operational constraints required to coordinate physical operations with co-located satellites, or because there might be a co-primary Direct Broadcast Satellite (DBS) or other ITU Region 2 BSS satellite receiving feeder-link signals in the 17.3-17.8 GHz band at or very near that location. As a result, the Commission also provided the flexibility to operate at locations offset from the Appendix F locations with accompanying reductions in power and interference protection. In addition, the Commission adopted limits for uplink and downlink power levels to minimize the possibility of harmful interference, stipulated criteria to facilitate sharing in the 24.75-25.25 GHz and 17.3-17.8 GHz bands, adopted a minimum antenna diameter, and adopted antenna performance standards. The Commission also adopted its proposal to apply the *DISCO II* framework to requests by non-U.S.-licensed 17/24 GHz BSS space stations operators to serve the market in the United States. In addition, the Commission adopted geographic service rules to require space station licensees to provide service to Alaska and Hawaii. At the same time, the Commission issued a Further Notice of Proposed Rulemaking seeking comment on coordination parameters relating to space-path and ground-path interference between 17/24 GHz BSS systems and DBS service systems operating in the 17.3-17.8 GHz band.

On September 28, 2007, the Commission, *sua sponte*, released an Order on Reconsideration, 72 FR 60272, October 24, 2007 to provide space station operators additional flexibility to operate full-power space stations at orbital locations offset by up to one degree from an Appendix F location, in instances where there are no licensed or prior-filed applications for 17/24 GHz BSS space stations less than four degrees away from the proposed offset space station. In response to the 17/24 GHz BSS *Sua Sponte Recon*, Telesat filed a second petition for reconsideration arguing that the additional flexibility did not resolve issues it raised in its original petition for reconsideration. Telesat reiterates its requests that we impose specific additional conditions on each U.S.-licensed 17/24 GHz BSS space station relating to international coordination. In