

4. Section 63.1104 is amended by:
- Revising the first sentence of paragraph (c);
 - Revising paragraph (d)(3);
 - Revising the definition of the term for D_j in paragraph (g)(1); and
 - Revising Table 1 in paragraph (j)(1).
- The revisions read as follows:

§ 63.1104 Process vents from continuous unit operations: applicability assessment procedures and methods.

* * * * *

(c) Applicability assessment requirement. The TOC or organic HAP concentrations, process vent volumetric flow rates, process vent heating values,

process vent TOC or organic HAP emission rates, halogenated process vent determinations, process vent TRE index values, and engineering assessments for process vent control applicability assessment requirements are to be determined during maximum representative operating conditions for the process, except as provided in paragraph (d) of this section, or unless the Administrator specifies or approves alternate operating conditions. * * *

(d) * * *

(3) Necessitating that the owner or operator make product in excess of demand.

* * * * *

(g) * * *

(1) * * *

D_j =Concentration on a wet basis of compound j in parts per million, as measured by procedures indicated in paragraph (e)(2) of this section. For process vents that pass through a final steam jet and are not condensed, the moisture is assumed to be 2.3 percent by volume.

* * * * *

(j) * * *

(1) * * *

TABLE 1 OF § 63.1104(J)(1).—COEFFICIENTS FOR TOTAL RESOURCE EFFECTIVENESS ^a

Existing or new?	Halogenated vent stream?	Control device basis	Values of coefficients			
			A	B	C	D
Existing	Yes	Thermal Incinerator and Scrubber.	3.995	5.200×10^{-2}	-1.769×10^{-3}	9.700×10^{-4}
	No	Flare	1.935	3.660×10^{-1}	-7.687×10^{-3}	-7.333×10^{-4}
		Thermal Incinerator 0 Percent Recovery.	1.492	6.267×10^{-2}	3.177×10^{-2}	-1.159×10^{-3}
		Thermal Incinerator 70 Percent Recovery.	2.519	1.183×10^{-2}	1.300×10^{-2}	4.790×10^{-2}
New	Yes	Thermal Incinerator and Scrubber.	1.0895	1.417×10^{-2}	-4.822×10^{-4}	2.645×10^{-4}
	No	Flare	5.276×10^{-1}	9.98×10^{-2}	-2.096×10^{-3}	2.000×10^{-4}
		Thermal Incinerator 0 Percent Recovery.	4.068×10^{-1}	1.71×10^{-2}	8.664×10^{-3}	-3.162×10^{-4}
		Thermal Incinerator 70 Percent Recovery.	6.868×10^{-1}	3.209×10^{-3}	3.546×10^{-3}	1.306×10^{-2}

^a Use according to procedures outlined in this section.
MJ/scm = Mega Joules per standard cubic meter.
scm/min = Standard cubic meters per minute.

* * * * *

5. Section 63.1109 is amended by revising the first sentence of paragraph (c) to read as follows:

§ 63.1109 Recordkeeping requirements.

* * * * *

(c) *Availability of records.* All records required to be maintained by this subpart or a subpart referenced by this subpart shall be maintained in such a manner that they can be readily accessed and are suitable for inspection. * * *

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 25

[ET Docket No. 97-214; FCC 02-131]

Allocation of 45-456 MHz and 459-460 MHz Bands to the Mobile Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; termination of proceeding.

SUMMARY: This document terminates this proceeding and retain the existing fixed and mobile allocations. The Commission concludes that it should not move forward with these proposals prior to the 2003 World Radiocommunication Conference ("WRC-2003").

FOR FURTHER INFORMATION CONTACT: Jamison Prime, Office of Engineering and Technology, (202) 418-7474, TTY (202) 418-2989, e-mail: jprime@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, ET Docket 97-214, FCC 02-131, adopted April 29, 2002, and released May 13, 2002. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW, Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room, CY-B402, Washington, DC 20554. The full text may also be downloaded at: www.fcc.gov. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365.

Summary of Order

1. On October 14, 1997, the Commission released a *Notice of Proposed Rule Making* (NPRM), 62 FR 58932, October 31, 1997, in response to a Region 2 MSS allocation that was established at the 1995 World

Radiocommunication Conference ("WRC-95"). The NPRM proposed allocation of the 455–456 MHz and 459–460 MHz bands on a co-primary basis to non-voice, non-geostationary MSS Earth-to-space operations (also referred to as Little LEO services), consistent with the Region 2 MSS allocation. Under the proposal, Little LEO mobile earth station ("MES") terminals would be able to use the spectrum for Earth-to-space ("uplink") transmissions, including service and feeder links. The Commission proposed that Little LEO operations in these bands protect incumbent stations in the fixed and mobile services that already occupy the spectrum. This proposed allocation would supplement the 4.05 megahertz of spectrum previously allocated for Little LEO services.

2. We find that with the passage of time, the NPRM and record in this proceeding has become outdated. In particular, we find that the proposals and comments therein do not adequately reflect recent developments that may have altered the needs and plans of the Little LEO community and the current views and needs of incumbents in the bands.

3. Specifically, in the recent government transfer band spectrum reallocation proceeding, we allocated the 1390–1392 MHz band to the fixed-satellite service for Little LEO feeder uplinks and the 1430–1432 MHz band for Little LEO feeder downlinks on a co-primary basis. The allocation is contingent on completion of ongoing studies and adoption of an international allocation for this spectrum. Without this allocation, feeder links would continue to have to share the same bands as service links. The new feeder link spectrum would allow Little LEO operators to more efficiently use existing service link spectrum to provide service to customers. The upcoming WRC-2003 is expected to consider whether additional service and feeder link spectrum should be allocated for the Little LEO service. The United States, in its preliminary view, supports such an allocation.

4. Any consideration at this time of the spectrum needs of Little LEOs must take into account the WRC-2003 preparations, any changes in the Little LEO industry, and current industry needs in light of our decision in the government transfer band spectrum reallocation proceeding. The record in this docket does not encompass these factors. Accordingly, we conclude that it would be premature for us to take any action with respect to Little LEO allocations in advance of WRC-2003. After WRC-03, we will evaluate any

new allocations for this service that may arise. Considering Little LEO service and feeder link spectrum requirements at that time would allow us to make spectrum management decisions in a manner that best accommodates Little LEO spectrum needs, as well as the needs of incumbent operations.

5. We note that in previous cases where the record has been overtaken by events, the Commission has concluded that the public interest is best served by the termination of the proceeding. The present circumstances of this proceeding are of the same character, and we terminate it without prejudice to the substantive merits. We note that in other circumstances, the Commission has sometimes sought to refresh a stale record. We decline to do so here because we believe that any Little LEO allocation issues that remain after the *Government Transfer Bands*, R&O, 67 FR 6172, February 11, 2002, should be addressed in this proceeding would not accomplish this objective. We make no decision with respect to the underlying allocation proposals contained in the *NPRM*. To the extent that these issues are still relevant notwithstanding the passage of time, nothing precludes us from independently evaluating them in the context of a separate proceeding. Petitioners are free to file an updated petition for rulemaking if they consider the relief requested to remain relevant to their needs. See, e.g., *Petition to Authorize Co-Primary Sharing of the 450 MHz Air-to-Ground Radiotelephone Service with BETRS*, MO&O at paragraph 4, DA 00-72, *Memorandum Opinion and Order*, 15 FCC Rcd 1859 (2000).

6. Pursuant to sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C 154(i) and (j), and § 1.425 of the Commission's rules, 47 CFR 1.425, the proceeding in ET Docket No. 97-214 is *terminated*.

Federal Communications Commission .

Marlene H. Dortch,

Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[CC Docket 92-297; FCC 01-172]

Rules To Redesignate the 27.5–29.5 GHz Frequency Band, To Reallocate the 29.5–30.0 GHz Frequency Band, To Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission (FCC) has adopted an order disposing of petitions for clarification or reconsideration of rules for the licensing and operation of communication satellite systems using the Ka Band for transmission between space stations and earth stations. We tentatively agree, however, that greater specificity in the service-coverage rule for Ka-Band systems may be desirable, and we intend to review this subject in the forthcoming rulemaking concerning the second-round Ka-Band applications.

DATES: Effective June 7, 2002.

FOR FURTHER INFORMATION CONTACT:

William Bell at (202) 418-0741; internet: wbell@fcc.gov, International Bureau, Federal Communications Commission, Washington, DC 20554.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order (MO&O) in CC Docket No. 92-297; FCC 00-172, adopted May 22, 2001 and released on May 24, 2001. The complete text of this MO&O is available for inspection and copying during normal business hours in the FCC Reference Center (Room), 445 12th Street, SW., Room, CY-A257, Washington, DC 20554, and also may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room, CY-B402, Washington, DC 20554, telephone (202) 863-2893m facsimile (202) 863-2893 or via email qualexint@aol.com. It is also available on the Commission's website at <http://www.fcc.gov>.

Summary of Memorandum Opinion and Order

Coverage Requirements

The FCC established service rules for Fixed Satellite Service ("FSS") systems transmitting in the Ka-Band in the *Third Report and Order* in Docket No. 92-297, 62 FR 61448, November 18, 1997. Motorola Global Communications, Inc. filed a petition asking the FCC to revise