

an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

#### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969

(NEPA) (42 U.S.C. 4321-4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction. This rule involves establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones.

This rule involves an environmental analysis checklist and a categorical exclusion determination is available in the docket where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08-0552 to read as follows:

#### § 165.T08-0552 Safety Zone; Upper Mississippi River, Mile 840.0 to 839.8.

(a) *Location.* The following area is a safety zone: all waters of the Upper Mississippi River, Mile 840.0 to 839.8 extending the entire width of the waterway.

(b) *Effective date.* This rule is effective from 11 a.m. until 4 p.m. on July 24, 2010.

(c) *Periods of Enforcement.* This rule will be enforced from 11 a.m. until 4 p.m. on July 24, 2010. The Captain of the Port Upper Mississippi River will inform the public through broadcast notice to mariners of all safety zone changes and enforcement periods.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Upper Mississippi River or a designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the Captain of the Port Upper Mississippi River or a designated representative. The Captain of the Port Upper Mississippi River

representative may be contacted at 314-269-2332.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Upper Mississippi River or their designated representative. Designated Captain of the Port representatives include United States Coast Guard commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: July 6, 2010.

**S.L. Hudson,**

*Captain, U.S. Coast Guard, Captain of the Port Upper Mississippi River.*

[FR Doc. 2010-17474 Filed 7-16-10; 8:45 am]

**BILLING CODE 9110-04-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 10-1147; MB Docket No. 10-63; RM-11597]

#### FM Table of Allotments, Amboy, California

**AGENCY:** Federal Communications Commission

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Sunnylands Broadcasting, LLC, allots FM Channel 284A at Amboy, California. Channel 284A can be allotted at Amboy, consistent with the minimum distance separation requirements of the Commission's rules, at coordinates 34-36-00 NL and 115-40-52 WL, with a site restriction of 7.5 km (4.6 miles) northeast of the community. Concurrence in the allotment by the Government of Mexico is required because the proposed allotment is located within 320 kilometers (199 miles) of the U.S.-Mexican border. Although Mexican concurrence has been requested, notification has not been received. If a construction permit for Channel 284A at Amboy, California, is granted prior to receipt of formal concurrence by the Mexican government, the authorization will include the following condition: "Operation with the facilities specified herein for Amboy, California, is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Mexico-United States FM Broadcast Agreement, or if specifically objected to by the Government of Mexico." See Supplementary Information *infra*.

**DATES:** Effective August 18, 2010.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Deborah A. Dupont, Media Bureau, (202)418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 10-63, adopted June 25, 2010, and released June 28, 2010. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, (800) 378-3160, or via the company's website, [www.bcpiweb.com](http://www.bcpiweb.com) <<http://www.bcpiweb.com/>>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506 (c)(4). The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see U.S.C. 801(a)(1)(A).

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

##### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 284A to Amboy.

Federal Communications Commission.

**John A. Karousos,**  
Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2010-17479 Filed 7-16-10; 8:45 am]

**BILLING CODE 6712-01-S**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 101

[WT Docket No. 09-114; RM-11417; FCC 10-109]

#### Amendment of the Commission's Rules To Accommodate 30 Megahertz Channels in the 6525-6875 MHz Band; and To Provide for Conditional Authorization on Additional Channels in the 21.8-22.0 GHz and 23.0-23.2 GHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission revises its rules governing terrestrial fixed wireless services in the Upper 6 GHz Band and the 23 GHz Band by providing wider bandwidths and conditional authorization. Allowing wider bandwidth channels in the Upper 6 GHz Band makes an additional source of spectrum for high-capacity microwave links more readily available. Expanding conditional authority in the 23 GHz Band will enable licensees to activate microwave links more quickly, including links involved in critical commercial, backhaul, and public safety applications.

**DATES:** Effective August 18, 2010.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Charles Oliver or Stephen Buenzow, Wireless Telecommunications Bureau, Broadband Division, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, at (202) 418-2487 (voice), (202) 418-7233 (TTY), or via the Internet to [Charles.Oliver@fcc.gov](mailto:Charles.Oliver@fcc.gov) or [Stephen.Buenzow@fcc.gov](mailto:Stephen.Buenzow@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order (R&O)*, FCC 10-109, adopted on June 7, 2010, and released on June 11, 2010. The full text of this document is available for public inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300 or 1-800-378-3160, contact BCPI at its Web site: <http://www.bcpiweb.com>. When ordering documents from BCPI, please provide

the appropriate FCC document number, for example, FCC 10-109. The complete text of this document is also available on the Commission's Web site at [http://wireless.fcc.gov/edocs\\_public/attachment/FCC\\_10-109A1.doc](http://wireless.fcc.gov/edocs_public/attachment/FCC_10-109A1.doc). This full text may also be downloaded at: <http://wireless.fcc.gov/releases.html>.

Alternative formats (computer diskette, large print, audio cassette, and Braille) are available by contacting Brian Millin at (202) 418-7426, TTY (202) 418-7365, or via e-mail to [bmillin@fcc.gov](mailto:bmillin@fcc.gov).

*Summary:*

#### I. Wider Bandwidths in the Upper Six Gigahertz Band

##### Background

1. Most of the part 101 Fixed Service 6 GHz Band is made up of two sub-bands, 5925-6425 MHz (Lower 6 GHz Band) and 6525-6875 MHz (Upper 6 GHz Band). The Commission licenses terrestrial Fixed Services (FS) in both sub-bands, but the technical rules related to the licensing for each sub-band are different. For FS applicants, the most important distinction is the maximum authorized bandwidth: 30 megahertz is the maximum bandwidth allowed in the Lower 6 GHz Band and 10 megahertz is the maximum allowed in the Upper 6 GHz Band.

2. The Lower 6 GHz Band is increasingly congested, partly because FS users can obtain wider bandwidths on those frequencies but also because other services are allowed to use the band. As of April 7, 2010, there were 15,936 active FS licenses in the Lower 6 GHz Band. Furthermore, as of March 31, 2010, the Lower 6 GHz Band had 1,641 licensed satellite earth stations. Through the frequency coordination process, and consistent with existing rules, each earth station is routinely cleared to use the entire 5925-6425 MHz band for the entire geosynchronous arc, even if the earth station actually communicates with only one transponder on one satellite on a limited set of channels. Thus, a satellite earth station has an extensive preclusive effect on the ability of subsequent applicants to coordinate stations in adjacent areas. By comparison, the typical terrestrial FS station is coordinated for a narrow beamwidth on a single channel or a limited set of channels.

3. The congestion in the Lower 6 GHz Band has led a number of FS applicants to file waiver requests seeking licenses to operate in the Upper 6 GHz Band on bandwidths that are greater than the 10 megahertz that is authorized by rule. As of April 7, 2010, the Commission had issued waivers authorizing 957 FS