

$t_2$  = Time in seconds at the end of the flash  
 $t_2 - t_1$  is greater than or equal to 0.2 seconds.

(4) Unless the light is a prefocused lantern, have a means of verifying that the source of the light is at the focal point of the lens.

(5) Emit a color within the angle of 50% effective intensity with color coordinates lying within the boundaries defined by the corner coordinates in Table 66.01-11(5) of this part when plotted on the Standard Observer Diagram of the International Commission on Illumination (CIE).

TABLE 66.01-11(5)—COORDINATES OF CHROMATICITY

Color	Coordinates of chromaticity	
	x axis	y axis
White .....	0.500	0.382
	0.440	0.382
	0.285	0.264
	0.285	0.332
	0.453	0.440
Green .....	0.500	0.440
	0.305	0.689
	0.321	0.494
	0.228	0.351
Red .....	0.028	0.385
	0.735	0.265
	0.721	0.259
Yellow .....	0.645	0.335
	0.665	0.335
	0.618	0.382
	0.612	0.382
	0.555	0.435
	0.560	0.440

(6) Have a recommended interval for replacement of the source of light that ensures that the lantern meets the minimal required intensity stated in paragraph (a)(3) of this section in case of degradation of either the source of light or the lens.

(7) Have autonomy of at least 10 days if the light has a self-contained power system. Power production for the prospective position should exceed the load during the worst average month of insolation. The literature concerning the light must clearly state the operating limits and service intervals. Low-voltage disconnects used to protect the battery must operate so as to prevent sporadic operation at night.

(b) The manufacturer of each light approved as a private aid to navigation must certify compliance by means of an indelible plate or label affixed to the aid that meets the requirements of § 66.01-14.

■ 5. Add § 66.01-12 to read as follows:

**§ 66.01-12 May I continue to use the private aid to navigation I am currently using?**

If, after March 8, 2004, you modify, replace, or install any light that requires a new application as described in § 66.01-5, you must comply with the rules in this part.

■ 6. Add § 66.01-13 to read as follows:

**§ 66.01-13 When must my newly manufactured equipment comply with these rules?**

After March 8, 2004, equipment manufactured for use as a private aid to navigation must comply with the rules in this part.

■ 7. Add § 66.01-14 to read as follows:

**§ 66.01-14 Label affixed by manufacturer.**

(a) Each light, intended or used as a private aid to navigation authorized by this part, must bear a legible, indelible label (or labels) affixed by the manufacturer and containing the following information:

- (1) Name of the manufacturer.
- (2) Model number.
- (3) Serial number.
- (4) Words to this effect: "This

equipment complies with requirements of the U.S. Coast Guard in 33 CFR part 66."

(b) This label must last the service life of the equipment.

(c) The manufacturer must provide the purchaser a data sheet containing the following information:

- (1) Recommended service life based on the degradation of either the source of light or the lamp.
- (2) Range in nautical miles.
- (3) Effective intensity in candela.
- (4) Size of lamp (incandescent only).
- (5) Interval, in days or years, for replacement of dry-cell or rechargeable battery.

Dated: November 18, 2003.

**David S. Belz,**

*Rear Admiral, Coast Guard, Assistant Commandant for Operations.*

[FR Doc. 03-29650 Filed 12-5-03; 8:45 am]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

[CGD07-03-152]

RIN 1625-AA08

**Special Local Regulations; 2003 Boca Raton Holiday Boat Parade, Riviera Beach, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** Temporary special local regulations are being established for the 2003 Boca Raton Holiday Boat Parade, Riviera Beach, Florida. The event will be held on December 20, 2003, on the waters of the Intracoastal Waterway between the C-15 canal, just North of Bella Marra, and the Hillsboro Boulevard bridge spanning the Intracoastal Waterway. These regulations exclude non-participant vessels from the regulated area, which includes the parade route, staging area, and viewing area. These regulations are needed to provide for the safety of life on navigable waters during the event.

**DATES:** This rule is effective from 6 p.m. until 9 p.m. on December 20, 2003.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket (CGD07-03-152) and are available for inspection or copying at Coast Guard Group Miami, 100 MacArthur Causeway, Miami Beach, Florida, 33139 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** BMC Vaughn, Coast Guard Group Miami, Florida at (305) 535-4317.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM would be contrary to public safety interests and unnecessary. These regulations are needed to minimize danger to the public resulting from numerous spectator and participant craft in close proximity to each other around the staging, parade and viewing areas of an event that will occur in a relatively short period of time. Moreover, the regulation will be in effect for only 3 hours. For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

**Background and Purpose**

The 2003 Boca Raton Holiday Boat Parade is a nighttime parade of approximately 60 pleasure boats that range in length from 15 feet to 100 feet decorated with holiday lights. It is anticipated that approximately 50 spectator craft will view the parade. The parade will form in a staging area on the Intracoastal Waterway at the C-15 Canal, just North of Bella Marra at

approximately 26°25' N, then proceed south on the Intracoastal Waterway (ICW) to Hillsboro Boulevard Bridge at approximately 26°19' N, where the parade will disband. The regulated area includes the staging area in the vicinity of the C-15 canal, and the parade route.

#### Discussion of Rule

The special local regulations for this event prohibit non-participant vessels from entering the regulated area, which includes the staging area for the parade, in the vicinity of the mouth of the C-15 canal, and the parade route south along the Intracoastal Waterway to the Hillsboro Boulevard Bridge. During transit of the parade, these regulations prohibit non-participating vessels from approaching within 500 feet ahead of the lead parade vessel, 500 feet astern of the last participating vessel, or within 50 feet on either side of the outboard parade vessels in the regulated area, unless authorized by the Coast Guard patrol commander.

The staging area and parade route encompass the Intracoastal Waterway from the C-15 Canal south to the Hillsboro Boulevard Bridge. No anchoring is permitted in the staging area.

#### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS). This rule will be in effect for only 3 hours on the date of the parade.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in

a portion of the regulated area from 6 p.m. to 9 p.m. on December 20, 2003. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only 3 hours late in the day when vessel traffic is low. Any traffic that needs to pass through the regulated area will be allowed to pass with the permission of the Coast Guard patrol commander once the parade participants have moved further along the parade route.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. Small businesses may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

#### Collection of Information

This rule calls for no new collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

#### Unfunded Mandate Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of

\$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not 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.

#### Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National

Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph 34(h), of the Instruction, from further environmental documentation. Under figure 2-1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

#### List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 100.35T-07-152 to read as follows:

##### § 100.35T-07-152 2003 Boca Raton Holiday Boat Parade, Riviera Beach, FL.

(a) *Regulated area.* The regulated area encompasses the staging area and parade route for the 2003 Boca Raton Holiday Boat Parade, which includes all waters of the Intracoastal Waterway from the C-15 Canal south to the Hillsboro Boulevard Bridge.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated patrol commander for the event by Commander, Coast Guard Group Miami, Florida.

(c) *Special Local Regulations.* (1) *Staging area.* Entry or anchoring in the staging area, in the vicinity of the mouth of the C-15 canal where it intersects the Intracoastal Waterway, by non-participating vessels is prohibited, unless authorized by the patrol commander.

(2) *Parade route.* During the transit of parade vessels, non-participating vessels are prohibited from approaching within 500 feet ahead of the lead parade vessel, 500 feet astern of the last participating vessel in the parade, or within 50 feet either side of the outboard parade vessels, unless authorized by the patrol commander.

(c) *Effective period:* This section becomes effective at 6 p.m. and

terminates at 9 p.m. on December 20, 2003.

Dated: November 24, 2003.

**Harvey E. Johnson, Jr.,**  
Rear Admiral, U.S. Coast Guard, Commander,  
Seventh Coast Guard District.

[FR Doc. 03-30376 Filed 12-5-03; 8:45 am]

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#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Parts 2, 74, 78 and 101

[ET Docket No. 95-18, ET Docket No. 00-258, IB Docket No. 01-185; FCC 03-280]

##### Allocation of Spectrum at 2 GHz for Use by the Mobile-Satellite Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document modifies the rules that new 2 GHz Mobile-Satellite Service (MSS) licensees are to follow when relocating incumbent Broadcast Auxiliary Service (BAS) licensees in the 1990-2025 MHz band and Fixed Service (FS) microwave licensees in the 2180-2200 MHz band. These actions are taken in light of our recent decision to reallocate 30 megahertz of 2 GHz MSS spectrum to new Fixed and Mobile services as part of our Advanced Wireless Services (AWS) proceeding, and to allow MSS licensees to provide an Ancillary Terrestrial Component (ATC) in conjunction with their MSS networks. We have also considered a number of outstanding petitions for reconsideration filed in response to our initial decision to reallocate these bands to MSS. Together, these decisions will resolve outstanding issues relating to the introduction of MSS at 2 GHz and the consequential relocation of BAS and FS licensees in these bands, which in turn will set the stage for the introduction of a variety of new and highly anticipated advanced services into these bands.

**DATES:** Effective January 7, 2004.

**FOR FURTHER INFORMATION CONTACT:** Jamison Prime, Office of Engineering and Technology, (202) 418-7474.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Third Report and Order and Memorandum Opinion and Order*, ET Docket No. 95-18, ET Docket No. 00-258, and IB Docket No. 01-185, FCC 03-280, adopted November 5, 2003, and released November 10, 2003. 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, Qualex International, 445 12th Street, SW., Room, CY-B402, Washington, DC 20554; (202) 863-2893; fax (202) 863-2898; e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

##### Summary of the Third Report and Order and Third Memorandum Opinion and Order

1. In the Third Report and Order and Third Memorandum Opinion and Order the Commission retains in substantial part the BAS and FS relocation procedures that new MSS entrants in the 2 GHz band will follow and that were originally adopted in the Commission's *MSS Second Report and Order*, 65 FR 48174, August 7, 2000. The modifications we make herein respond to comments filed in response to the *Further Notice of Proposed Rulemaking*, 66 FR 47518, September 13, 2001, in the AWS proceeding and the Notice of Proposed Rulemaking, 66 FR 47621, September 13, 2001, in the MSS-ATC proceeding. In both of those actions, the Commission sought comment on how the introduction of new services into the 2 GHz MSS band would affect the existing BAS and FS relocation procedures. We also address petitions for reconsideration filed in response to the *MSS Second Report and Order*. Specifically, we make the following decisions herein:

For relocation of BAS in the 1990-2025 MHz band by new MSS entrants, we:

- Require the relocation of BAS incumbents in all television markets to the final (Phase II) plan at 2025-2110 MHz. This will eliminate the necessity of relocating BAS licensees to an interim (Phase I) channel plan as part of the previously adopted two-phase approach to relocation.

- Retain the requirement that all BAS operations in markets 1-30 must be relocated prior to the initiation of new MSS in the band.

- Amend the rules to specify that the time period for calculating a one-year mandatory BAS negotiation period for markets 1-30 and the ten-year sunset period commence upon publication of this Report and Order in the **Federal Register**.

- Require the relocation of all fixed BAS stations on channels 1 and 2 nationwide prior to the initiation of new MSS in the band.

- Decline to require the reimbursement of relocation expenses for BAS facilities for which initial