

Act. A copy of the Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.

### Ordering Clauses

Accordingly, *It is ordered* that, pursuant to sections 1, 4(i), 4(j), 251, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)-(j), 251, 303(r), this Report and Order in WC Docket No. 07-244 and CC Docket No. 95-116 is adopted, and that Part 52 of the Commission's Rules, 47 CFR part 52, is amended as set forth in Appendix B. The Report and Order shall become effective August 3, 2009. It is further ordered that, pursuant to sections 1, 4(i), 4(j), 251, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)-(j), 251, 303(r), and sections 52.11(b) and 52.25(d) of the Commission's rules, 47 CFR 52.11(b), 52.25(d), the North American Numbering Council shall submit its recommendations to the Commission within 90 days of the effective date of the Report and Order as discussed in paragraph 10 of this Report and Order.

*It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Report and Order and Further Notice of Proposed Rulemaking, including the Final Regulatory Flexibility Analysis and the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

### List of Subjects in 47 CFR Part 52

Communications common carriers, Telecommunications, Telephone.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

### Final Rules

■ For the reasons discussed in the preamble, the Federal Communications Commission amends part 52 of Title 47 of the Code of Federal Regulations as follows:

### PART 52—NUMBERING

■ 1. The authority citation for part 52 continues to read as follows:

**Authority:** Secs. 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. 151, 152, 154 and 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201-205, 207-09, 218, 225-27, 251-52, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 153, 154, 201-05, 207-09, 218, 225-27, 251-52, 271 and 332 unless otherwise noted.

■ 2. Section 52.21 is amended by adding paragraph (w) to read as follows:

### § 52.21 Definitions.

\* \* \* \* \*

(w) The term *2009 LNP Porting Intervals Order* refers to In the Matters of Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability, WC Docket No. 07-244, CC Docket No. 95-116, Report and Order and Further Notice of Proposed Rulemaking, FCC 09-41 (2009).

■ 3. Section 52.26 is amended by revising paragraphs (a) and (c) to read as follows:

### § 52.26 NANC Recommendations on Local Number Portability Administration.

(a) Local number portability administration must comply with the recommendations of the North American Numbering Council (NANC) as set forth in the report to the Commission prepared by the NANC's Local Number Portability Administration Selection Working Group, dated April 25, 1997 (*Working Group Report*) and its appendices, which are incorporated by reference pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. *Except that:* Section 7.10 of Appendix D is not incorporated herein and all references to the porting intervals for simple wireline and simple intermodal port requests in the *Working Group Report* are not incorporated herein after § 52.35 becomes effective as described in § 52.35(a).

\* \* \* \* \*

(c) The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the *Working Group Report* and its appendices can be obtained from the Commission's contract copier, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com), and can be inspected during normal business hours at the following locations: Reference Information Center, 445 12th Street, SW., Room CY-A257, Washington, DC 20554 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>. The *Working Group Report* and its appendices are also available on the Internet at <http://www.fcc.gov/wcb/cpd/Nanc/lnpastuf.html>.

■ 4. Section 52.35 is added to read as follows:

### § 52.35 Porting Intervals.

(a) Nine months after the NANC submits its port provisioning process flows to the Commission as provided in the *2009 LNP Porting Interval Order*, all telecommunications carriers required by the Commission to port telephone numbers must complete a simple wireline-to-wireline or simple intermodal port request within one business day unless a longer period is requested by the new provider or by the customer. Small providers, as described in the *2009 LNP Porting Interval Order*, must comply with this section 15 months after the NANC submits its port provisioning process flows to the Commission as provided in the *2009 LNP Porting Interval Order*. For purposes of this section, simple intermodal ports include wireline-to-wireless ports, wireless-to-wireline ports, and ports involving interconnected Voice over Internet Protocol (VoIP) service.

(b) Unless directed otherwise by the Commission, any telecommunications carrier granted a waiver by the Commission of the one-business day porting interval described in paragraph (a) of this section must complete a simple wireline-to-wireline or simple intermodal port request within four business days unless a longer period is requested by the new provider or by the customer.

(c) For purposes of this section, the term "telecommunications carrier" includes an interconnected VoIP provider as that term is defined in § 52.21(h).

(d) Once effective as described in paragraph (a) of this section supersedes any porting interval requirements for simple wireline or simple intermodal port requests incorporated by reference in § 52.26.

[FR Doc. E9-15132 Filed 7-1-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### 47 CFR Part 300

[Docket Number: 090225246-9247-01]

RIN 0660-AA20

### Revision to the Manual of Regulations and Procedures for Federal Radio Frequency Management

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Final Rule.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA) hereby makes certain changes to its regulations which relate to revisions to and the public availability of the Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual). Specifically, the NTIA updates the version of the Manual of Regulations and Procedures for Federal Radio Frequency Management with which Federal agencies must comply when requesting use of the radio frequency spectrum.

**EFFECTIVE DATE:** This regulation is effective on July 2, 2009. The incorporation by reference of certain publications listed in the rule is approved by the Director of the **Federal Register** as of July 2, 2009.

**ADDRESSES:** A reference copy of the NTIA Manual, including all revisions in effect, is available in the Office of Spectrum Management, 1401 Constitution Avenue, NW, Room 1087, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** William Mitchell, Office of Spectrum Management at (202) 482-8124 or [wmitchell@ntia.doc.gov](mailto:wmitchell@ntia.doc.gov).

**SUPPLEMENTARY INFORMATION:****Background**

NTIA authorizes the U.S. Government's use of the radio frequency spectrum. 47 U.S.C. § 902(b)(2)(A). The NTIA Manual is the compilation of policies and procedures that govern the use of the radio frequency spectrum by the U.S. Government. Federal government agencies are required to follow these policies and procedures in their use of the spectrum.

Part 300 of title 47 of the Code of Federal Regulations provides information about the way in which NTIA regularly revises the NTIA Manual and public availability of this document and all revisions. Federal agencies are required to comply with the specification in the NTIA Manual according to 47 U.S.C. § 901 *et seq.*, Executive Order 12046 (March 27, 1978), 43 FR 13,349, 3 CFR 1978 Comp., p. 158, when requesting frequency assignments for use of the radio frequency spectrum.

This rule updates section 300.1(b) to specify the version of the NTIA Manual with which Federal agencies must comply when requesting frequency assignments for use of the radio frequency spectrum. Section 300.1(b)

also amends the regulations by replacing "September 2008" with "January 2009." Upon the effective date of this rule, Federal agencies must comply with the requirements set forth in the January 2008 edition of the NTIA Manual, as revised through January 2009.

The NTIA Manual is scheduled for revision in January, May, and September of each year. The revisions are submitted to the Director of the **Federal Register** for Incorporation by Reference approval. Notices of these changes are printed in the **Federal Register**. The NTIA Manual is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, by referring to Catalog Number 903-008-00000-8. A reference copy of the NTIA Manual, including all revisions in effect, is available in the Office of Spectrum Management, 1401 Constitution Avenue, NW, Room 1087, Washington, DC 20230, or call William Mitchell at (202) 482-8124. The NTIA Manual is available online at <http://www.ntia.doc.gov/osmhome/redbook/redbook.html>. The NTIA Manual is on file at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**Paperwork Reduction Act**

This action does not contain collection of information requirements subject to the Paperwork Reduction Act (PRA). Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the PRA, unless that collection displays a currently valid OMB Control Number.

**Executive Order 12866**

This rule has been determined to be not significant for purposes of Executive Order 12866.

**Administrative Procedure Act/Regulatory Flexibility Act**

NTIA finds good cause under 5 U.S.C. § 553(b)(3)(B) to waive prior notice and opportunity for public comment as it is unnecessary. This action amends the regulations to modify a section heading and to delete a section addressing incorporation by reference because it is no longer the manner in which NTIA

promulgates and distributes the NTIA Manual to Federal agencies. These changes do not impact the rights or obligations of the public. The NTIA Manual applies only to Federal agencies. Because these changes impact only federal agencies, NTIA finds it unnecessary to provide for the notice and comment requirements of 5 U.S.C. § 553.

Because notice and opportunity for comment are not required pursuant to 5 U.S.C. § 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. § 601 *et seq.*) are not applicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

**Executive Order 13132**

This rule does not contain policies having federalism implications as that term is defined in EO 13132.

**Regulatory Text****List of Subjects in 47 CFR Part 300**

Incorporation by reference; Radio.

■ For the reasons set forth in the preamble, NTIA amends title 47, Part 300 as follows:

**PART 300 – MANUAL OF REGULATIONS AND PROCEDURES FOR FEDERAL RADIO FREQUENCY MANAGEMENT**

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** Authority: 47 U.S.C. 901 *et seq.*, Executive Order 12046 (March 27, 1978), 43 FR 13,349, 3 CFR 1978 Comp., p. 158.

■ 2. Paragraph 300.1(b) is revised to read as follows:

**§ 300.1 Incorporation by reference of the Manual of Regulations and Procedures for Federal Radio Frequency Management.**

\* \* \* \* \*

(b) The Federal agencies shall comply with the requirements set forth in the January 2008 edition of the NTIA Manual, as revised through January 2009, which is incorporated by reference with approval of the Director, Office of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

Dated: June 26, 2009.

**Anna M. Gomez,**

*Acting Assistant Secretary for Communications and Information.*

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