

Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows: Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

ASO TN E5 Memphis, TN [Revised]

Memphis International Airport, TN
Lat. 35°02'33" N, long. 89°58'36" N
Olive Branch Airport

Lat. 34°58'44" N, long. 89°47'13" W
West Memphis Municipal Airport

Lat. 35°08'06" N, long. 90°14'04" W
General DeWitt Spain Airport

Lat. 35°12'02" N, long. 90°03'14" W
Elvis NDB

Lat. 35°03'41" N, long. 90°04'18" W
West Memphis NDB

Lat. 35°08'02" N, long. 90°13'57" W

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Memphis International Airport, and within 4 miles north and 8 miles south of the 271° bearing from the Elvis NDB extending from the 8-mile radius to 16 miles west of the Elvis NDB, and within a 7.5-mile radius of Olive Branch Airport, and within a 6.5-mile radius of West Memphis Municipal Airport, and within 4 miles east and 8 west of the 197° from the West Memphis NDB extending from the 6.5-mile radius to 16 miles south of the West Memphis NDB, and within 4 miles east and 8 miles west of the 353° bearing from the West Memphis NDB extending from the 6.5-

mile radius to 16 miles north of the West Memphis NDB, and within a 6.4-mile radius of General DeWitt Spain Airport; excluding that airspace within the Millington, TN, Class E airspace area.

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Issued in College Park, Georgia, on December 17, 2002.

Walter R. Cochran,

*Acting Manager, Air Traffic Division,
Southern Region.*

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–138882–02]

RIN 1545–BB01

Reduced Maximum Exclusion of Gain From Sale or Exchange of Principal Residence

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations relating to the reduced maximum exclusion available to certain taxpayers who sell or exchange their principal residence but who have not owned and used the property as their principal residence for two years of the preceding five years or who have excluded gain on a previous sale or exchange within the last two years. The text of those regulations also serves as the text of these proposed regulations.

DATES: Written or electronic comments and requests for a public hearing must be received by March 24, 2003.

ADDRESSES: Send submissions to: CC:ITA:RU (REG–138882–02), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:ITA:RU (REG–138882–02), Courier's Desk, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC. Alternatively, taxpayers may submit electronic comments directly to the IRS Internet site at www.irs.gov/regs.

FOR FURTHER INFORMATION CONTACT:

Concerning the regulations, Sara Paige Shepherd, (202) 622–4960; concerning

submissions of comments and/or requests for a hearing, LaNita Van Dyke, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

Temporary regulations in the Rules and Regulation section of this issue of the **Federal Register** amend the Income Tax Regulations (26 CFR part 1) under section 121(c) of the Internal Revenue Code (Code). The temporary regulations provide rules for a reduced maximum exclusion of gain from the sale or exchange of the principal residence of a taxpayer who is not entitled to the full maximum exclusion under section 121(a) because the taxpayer has not owned and used the property as the taxpayer's principal residence for two years of the preceding five years or has excluded gain under section 121 on a previous sale or exchange within the last two years. The text of those temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the amendments.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based upon the fact that the regulations do not impose a collection of information and apply only to individuals. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7508(f) of the Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. The IRS and Treasury Department specifically request comments on the clarity of the proposed rules and how they may be made easier to understand.

All comments will be available for public inspection and copying. A public hearing may be scheduled if requested by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Sara Paige Shepherd, Office of Associate Chief Counsel (Income Tax and Accounting). However, other personnel from the IRS and the Treasury Department participated in the development of the regulations.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. In § 1.121–3, paragraphs (b) through (f), (h), (k), and (l) are revised to read as follows:

§ 1.121–3 Reduced maximum exclusion for taxpayers failing to meet certain requirements.

[The text of proposed paragraphs (b) through (f), (h), (k), and (l) of § 1.121–3 is the same as the text of paragraphs (b) through (f), (h), (k), and (l) of § 1.121–3T published elsewhere in this issue of the **Federal Register**.]

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 00–248; FCC 02–257]

Streamlining and Other Revisions of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document the Commission invites comments on

revising part 25 of the Commission's rules to increase the number of earth station applications that can be processed routinely or, in the alternative, to streamline the processing of earth station applications. The Commission's intent is to expedite the processing of earth station applications, thereby accelerating the provision of service to the public.

DATES: Comments are due on or before March 10, 2003, and reply comments are due on or before April 8, 2003.

FOR FURTHER INFORMATION CONTACT:

Steven Spaeth at (202) 418–1539. Internet: sspaeth@fcc.gov, International Bureau, Federal Communications Commission, Washington, DC 20554.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's further notice of proposed rulemaking in IB Docket No. 00–248, FCC 02–257, adopted September 16, 2002, and released on September 26, 2002. The complete text of this FNPRM is available for inspection and copying during normal business hours in the FCC Reference Center (Room), 445 12th Street, SW., Washington, DC 20554, and also may be purchased from the Commission's copy duplicating contractor is Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554.

Summary of the Further Notice of Proposed Rulemaking

In this further notice of proposed rulemaking (FNPRM) the Commission recognized several benefits to streamlining its review of smaller-than-routine earth station applications. First, it noted that technological improvements have enabled satellite communications systems to maintain service performance while decreasing the aperture of the earth station antennas used to deliver satellite services to end users. Those technological improvements benefit end users because smaller antennas are less expensive to manufacture, and it is easier to find suitable locations to install smaller antennas. As a result, expediting the processing of applications for smaller-than-routine earth station antennas should expedite the provision of useful satellite services to the public, including the provision of Internet services to rural areas.

The Commission did not anticipate that adoption of its proposals for streamlining its review of smaller-than-routine earth station antennas would have any negative effect on terrestrial wireless operations in frequency bands that are shared with Fixed-Satellite Service (FSS) operations. The

Commission noted that none of its proposals would affect the procedures for coordinating terrestrial wireless operations with FSS operations in shared bands. The Commission further observed that adoption of the proposals in the *NPRM*, 66 FR 1283, January 8, 2001, would not affect the contours of any FSS earth station operating in bands shared with the Fixed Service. In other words, none of the proposals in the *NPRM* increase the risk of harmful interference to terrestrial wireless services. The Commission explicitly invited comments from any terrestrial wireless operator who believes its operations might be affected in some way by any of the proposals in the *NPRM*. No terrestrial wireless operator submitted any comments in response to the *NPRM*.

Conclusion

Accordingly, in the FNPRM the Commission proposes to reduce the minimum antenna size for routine processing of C-band earth stations to 3.7 meters. The Commission also proposes to begin the antenna gain envelope at 3° off-axis outside the GSO orbital plane for Ku-band earth stations, and to increase the antenna gain pattern limits in the backlobe for Ku-band earth stations, and for Ka-band earth stations operating in frequency bands that are not shared with terrestrial wireless operations. The Commission also invites comment on proposal for addressing earth station pointing error concerns. The Commission also solicit comment on several Satellite Industry Association (SIA) proposals for which the record in this proceeding is not yet fully developed. In its *ex parte* statements, SIA proposes several new and revised rules. Many of those proposals were also raised in the original record in this proceeding, and that record is sufficient to enable us to act on those issues. The Commission had decided not to act on any of SIA's proposals at this time, however, until we can consider all of SIA's proposals together.

Paperwork Reduction Act

This *Further NPRM* contains proposed information collections. As part of its continuing effort to reduce paperwork burdens, we invite the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this *Further NPRM*, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this *Further NPRM*; OMB comments are due by April 8,