Agreement with the FAA Regional Spectrum Offices.

CVCC members seek clarification with respect to: (1) The type of information necessary for the electronic database; (2) the sites that need to be included during each quarterly database submittal to the FAA; and (3) how to submit the database file(s). We have reconsidered the condition and find that any unintentional EMI resulting under this policy can be mitigated by condition 2 of the policy.[3] Therefore, condition 1 can be withdrawn and it will no longer be necessary to provide that information.

The amended policy is restated in its entirety below.

Policy

The FAA recognizes the telecommunications industry's need and commitment to provide wireless services to the public. Also, the FAA recognizes that it is essential for these companies to speed up the time frame for build-out and deployment of their networks. However, the FAA's first commitment is to aviation safety. Thus the FAA finds that it can amend its policy to accommodate certain issues raised by the CVCC's Best Practices Agreement. Notwithstanding this new policy, the requirements under 14 CFR part 77 about notice to the FAA of proposed construction or alteration of man-made structures under existing FAA policy and regulations are not altered or modified. If the addition of frequencies, under this policy, to a previously studied structure increases the height of that structure, notice must be filed with the FAA under 14 CFR 77.13. Physical structures located on or near public use landing facilities raise concerns about possible obstruction to aircraft, and the FAA will handle these issues pursuant to current regulations and procedures.

Under this new policy, a proponent is not required to file notice with the FAA for an aeronautical study to add frequencies to an existing structure that has a current No Hazard Determination on file with the FAA. If an additional antenna system must be used to add frequencies, the antenna system must not be located on Federal or public use landing facilities property. Also, the antenna system must not be co-located or mounted on an FAA antenna structure without prior coordination with the FAA's ATC Spectrum Engineering Services.

This policy only applies to antenna systems operating on the following frequencies and service types, as dictated by various parts of 47 CFR:

- 698–806 MHz (Advanced Wireless Service—Part 27).
- 806–821 MHz and 851–866 MHz (Industrial/Business/Specialized Mobile Radio Pool—Part 90).
- 821–824 MHz and 866–869 MHz (Public Safety Mobile Radio Pool—Part 90).
- 816–820 MHz and 861–865 MHz (Basic Exchange Telephone Radio—Parts 1 and 22).
- 824–849 MHz and 869–894 MHz (Cellular Radiotelephone—Parts 1 and 22).
- 849–851 MHz and 894–896 MHz (Air-Ground Radiotelephone—Parts 1 and 22).
- 896–901 MHz and 935–940 MHz (900 MHz SMR—Part 90).
- 901–902 MHz and 930–931 MHz (Narrowband PCS—Part 24).
- 929–930 MHz, 931–932 MHz, and 940–941 MHz (Paging—Parts 1, 22, and 90).
- 1710–1755 MHz, 2020–2025 MHz, and 2110–2180 MHz (Advanced Wireless Service—Part 27).
- 1670–1675 MHz (Wireless Communications Service—Part 27).
- 1850–1990 MHz (Broadband PCS—Part 24, Point-to-Point Microwave—Part 101).
- 1990–2000 MHz (Broadband PCS—Part 24).
- 2000–2020 MHz and 2180–2200 MHz (Mobile Satellite Service—Part 25).
- 2305–2320 MHz and (Wireless Communications Service (WCS)—Part 27).
- 2320–2345 MHz (Satellite Digital Audio Radio Service—Part 27).
- 2496–2690 MHz (Broadband Radio Service—Part 27).
- 6.0–7.0 GHz, 10.0–11.7 GHz, 17.7–19.7 GHz, and 21.2–23.6 GHz (Fixed Microwave Service—Part 101).

In addition, the following conditions also apply: (1) If an antenna system, operating in the designated frequency bands, causes EMI to one or more FAA facilities, the FAA will contact the proponent. The proponents must mitigate the EMI in a timely manner, as recommended by the FAA in each particular case. Depending on the severity of the interference, the proponent must eliminate harmful EMI either by adjusting operating parameters (for example, employing extra filtering or reducing effective radiated power), or by ceasing transmissions, as may be required by the FCC and the FAA. Failure to provide successful EMI mitigation techniques will result in referral to the FCC's Enforcement Bureau for possible enforcement action. (2) This policy only applies to current technologies and modulation techniques (analog, TDMA, GSM, etc.) existing in the wireless radiotelephone environment on the date of issuance of this policy. Any future technologies placed into commercial service by wireless service providers, although operating on the frequencies mentioned above, must either coordinate the new technology with the FAA's ATC Spectrum Engineering Services or must provide notification to the FAA under 14 CFR part 77 procedures.

The FAA will revise the conditional language in future cases involving Determination of No Hazard to reflect this policy. Furthermore, this policy applies retroactively to any structure for which the FAA has issued a Determination of No Hazard.

Issued in Washington, DC on November 15, 2007.

Steve Zaidman,

Vice President, Technical Operations Services.

[FR Doc. E7–22720 Filed 11–20–07; 8:45 am]

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[3] Condition 2—If an antenna system, operating in the designated frequency bands, causes EMI to one or more FAA facilities, the FAA will contact the proponent. The proponent must mitigate the EMI in a timely manner, as recommended by the FAA in each particular case. Depending upon the severity of the interference, the proponent must eliminate harmful EMI either by adjusting operating parameters, (for example, employing extra filtering or reducing effective radiated power), or by ceasing transmissions, as may be required by the FCC and the FAA. Failure to provide successful EMI mitigation techniques will result in referral to the FCC's Enforcement Bureau for possible enforcement action. (69 FR 22732; April 27, 2004)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1245

[Notice: (07–083)]

RIN 2700–AD35

Patents and Other Intellectual Property Rights

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: NASA is amending its regulations by removing NASA's Foreign Patent Licensing Regulations. NASA no longer follows these regulations, but issues licenses based on Government-wide licensing regulations promulgated by the Department of Commerce that take precedence over individual agency licensing regulations.

EFFECTIVE DATE: November 21, 2007.

FOR FURTHER INFORMATION CONTACT: Alan Kennedy, Commercial and Intellectual Property Law Practice

Group, Office of the General Counsel, NASA Headquarters, telephone (202) 358–2065, fax (202) 358–4341.

SUPPLEMENTARY INFORMATION: The Department of Commerce issued Government-wide regulations which prescribe the terms, conditions, and procedures upon which a federally-owned invention may be licensed both internationally and domestically. The Department of Commerce regulations take precedence over individual agency licensing regulations. NASA grants licenses in accordance with the Department of Commerce regulations. Thus, NASA is cancelling its foreign licensing regulations.

List of Subjects in 14 CFR Part 1245

Authority delegations (Government agencies), Inventions and patents.

■ Under the authority, 42 U.S.C. 2473, 14 CFR part 1245 is amended as follows:

PART 1245—PATENTS AND OTHER INTELLECTUAL PROPERTY RIGHTS

■ 1. The authority citation for part 1245 continues to read as follows:

Authority: 42 U.S.C. 2457, 35 U.S.C. 200 *et seq.*

Subpart 4—[Removed and Reserved]

■ 2. Remove and reserve Subpart 4, consisting of §§ 1245.400 through 1245.405.

Michael D. Griffin,

Administrator.

[FR Doc. E7–22704 Filed 11–20–07; 8:45 am]

BILLING CODE 7510–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 24

[T.D. TTB–64; Re: T.D. ATF–390 and ATF Notice No. 852]

RIN 1513–AA05

Small Domestic Producer Wine Tax Credit—Implementation of Public Law 104–188, Section 1702, Amendments Related to the Revenue Reconciliation Act of 1990 (96R–028T)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau is adopting as a final rule, with some clarifying or editorial changes, the temporary regulations concerning transfer of the small domestic producer wine tax credit and computation of the wine bond that were adopted in response to the Small Business Job Protection Act of 1996.

EFFECTIVE DATE: November 21, 2007.

FOR FURTHER INFORMATION CONTACT: Marjorie D. Ruhf, Regulations and Rulings Division, 1310 G Street, NW., Washington, DC 20220; (202) 927–8202; or *Marjorie.Ruhf@ttb.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Alcohol and Tobacco Tax and Trade Bureau (TTB) is responsible for administering the provisions of Chapter 51 of the Internal Revenue Code of 1986 (IRC), including promulgating regulations pursuant to Chapter 51 pertaining to Federal excise taxes on alcohol beverage products. Section 5041 of the IRC (26 U.S.C. 5041) imposes a tax on wines in bond in, produced in, or imported into, the United States. Section 5041(c) allows a credit against the tax for small domestic wine producers. The regulations implementing this credit were promulgated in part 24 of the TTB regulations (27 CFR part 24). Prior to January 24, 2003, our predecessor Agency, the Bureau of Alcohol, Tobacco and Firearms (ATF), administered the regulations in part 24.

History of the Small Domestic Producer Wine Tax Credit

The Revenue Reconciliation Act of 1990

The Revenue Reconciliation Act of 1990 (the RRA), Title XI of Public Law 101–508, 104 Stat. 1388–400, was enacted on November 5, 1990. Section 11201 of the RRA increased by 90 cents per wine gallon the rate of tax on still wines and artificially carbonated wines removed from bonded premises or Customs custody on or after January 1, 1991. The law did not increase the tax rate on champagne and other sparkling wine.

Section 11201 also provided a credit of up to 90 cents per wine gallon for small domestic wine producers on the first 100,000 gallons of wine (other than champagne and other sparkling wine) removed for consumption or sale during a calendar year. This credit could be taken by a bonded wine premises proprietor who produced not more than 250,000 gallons of wine in a given calendar year. The provisions of section 11201 separated the activities of production and removal in such a way that eligibility for the credit was based on removal of wine by an eligible small producer and was not conditioned on the producer actually producing the wine removed. Thus, a proprietor who produced less than 250,000 gallons of wine a year could take the small domestic producer wine tax credit on wine purchased and received in bond as long as the wine was within the first 100,000 gallons of wine removed from the small producer's bonded premises during the calendar year.

Under the RRA, small wine producers were eligible to take the small producer wine tax credit only on wine removed for consumption or sale by that producer. If the producer transferred wine in bond to another bonded wine premises (for example, a bonded wine cellar used as a warehouse) for storage pending subsequent removal by the warehouse, then the producer could not claim a credit on that wine, since the producer had not removed the wine for consumption or sale. If the warehouse did not produce wine at all, or produced more than 250,000 gallons of wine, then the warehouse was not eligible for the small producer wine tax credit. Even if the warehouse produced wine and was eligible for credit in its own right, its eligibility was limited to the first 100,000 gallons removed during the year. In order to receive the credit, some small wineries began to taxpay their wines at the time of removal and store the wines in a taxpaid status rather than transfer them in bond.

The Small Business Job Protection Act of 1996

Section 1702 of the Small Business Job Protection Act of 1996 (the SBJPA), Public Law 104–188, 110 Stat. 1755, enacted on August 20, 1996, included an amendment to the small domestic wine producer tax credit provision in section 5041(c). The SBJPA amendment allowed the tax credit authorized under section 5041(c) to be taken by ''transferees in bond'' such as bonded wine cellars used as warehouses on behalf of their small producer customers. As a result of this amendment, section 5041(c) now provides that if wine produced by any person would be eligible for the small producer credit if removed by the producer, and if wine produced by that person is transferred in bond to another person (the transferee) who removes the wine during the calendar year and is liable for the tax on the wine, then the transferee (and not the producer) will be allowed to take the small producer credit under certain circumstances. The producer of the wine must hold title to the wine at the time of its removal and must provide to the transferee such information as is necessary to properly determine the transferee's credit under section 5041(c)(6). The statutory language thus limits the application of