

TABLE 2*

Elevation angle (a)	Relative EIRP density (dBW/MHz-km ²)
0° ≤ a ≤ 4.0°	EIRP(a) = EIRP(0°) + 20 log (sin πx)(1/πx) Where x = (a+1)/7.5°
4.0° < a ≤ 7.7°	EIRP(a) = EIRP(0°) - 3.85a + 7.7
a > 7.7°	EIRP(a) = EIRP(0°) - 22

*LMDS system licensees in two or more BTAs may individually or collectively deviate from the spectral area density computed above by averaging the power over any 200 km by 400 km area, provided that the aggregate interference to the satellite receiver is no greater than if the spectral area density were as specified in Table 1. A showing to the Commission comparing both methods of computation is required and copies shall be served on any affected non-GSO MSS providers.

Note: Where a is the angle in degrees of elevation above horizon. EIRP(0°) is the hub EIRP area density at the horizon used in Section 21.1020. The nominal antenna pattern will be used for elevation angles between 0° and 8°, and average levels will be used for angles beyond 8°, where average levels will be calculated by sampling the antenna patterns in each 1° interval between 8° and 90°, dividing by 83.

9. A new § 21.1022 is proposed to be added to read as follows:

§ 21.1022 Power reduction techniques.

LMDS hub transmitters shall employ methods to reduce average power levels received by non-GSO MSS satellite receivers, to the extent necessary to comply with §§ 21.1020 and 21.1021, by employing the methods set forth below:

(a) *Alternate Polarizations*. LMDS hub transmitters in the LMDS service area may employ both vertical and horizontal linear polarizations such that 50 percent (plus or minus 10 percent) of the hub transmitters shall employ vertical polarization and 50 percent (plus or minus 10 percent) shall employ horizontal polarization.

(b) *Frequency Interleaving*. LMDS hub transmitters in the LMDS service area may employ frequency interleaving such that 50 percent (plus or minus 10 percent) of the hub transmitters shall employ channel center frequencies which are different by one-half the channel bandwidth of the other 50 percent (plus or minus 10 percent) of the hub transmitters.

(c) *Alternative Methods*. As alternatives to paragraphs (a) and (b) of this section, LMDS operators may employ such other methods as may be shown to achieve equivalent reductions in average power density received by non-GSO MSS satellite receivers.

PART 25—SATELLITE COMMUNICATIONS

1. The authority citation for part 25 continues to read as follows:

Authority: Secs. 25.101 to 25.601 issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101–104, 76 stat. 419–427; 47 U.S.C. 701–744; 47 U.S.C. 554.

2. A new § 25.257 is proposed to be added to read as follows:

§ 25.257 Special requirements for operations in the band 29.1–29.25 GHz

(a) Special requirements for operations in the band 29.1–29.25 GHz.

(1) Non-geostationary mobile satellite service (non-GSO MSS) operators shall use the 29.1–29.25 GHz band for Earth-to-space transmissions from feeder link earth station complexes. For purposes of this subsection, a “feeder link earth station complex” may include up to three (3) earth station groups, with each earth station group having up to four (4) antennas, located within a radius of 75 nautical miles of a given set of geographic coordinates provided by a non-GSO MSS operator pursuant to paragraphs (c)(5) or (c)(6)(i) of this section.

(2) A maximum of eight (8) feeder link earth station complexes in the contiguous United States, Alaska, and Hawaii may be operated concurrently in the band 29.1–29.25 GHz.

(b) Coordination of LMDS systems and geostationary fixed satellite systems in the band 29.1–29.25 must be done in accordance with the technical standards of §§ 21.1018–21.1024 of this chapter.

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DEPARTMENT OF DEFENSE

48 CFR Parts 204, 223, and 252

[DFARS Case 95–D001]

Defense Federal Acquisition Regulation Supplement; Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comment.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to provide guidance on physical security requirements for contracts involving sensitive conventional arms, ammunition, and explosives (AA&E).

DATES: *Comment date:* Comments on the proposed rule should be submitted in writing to the address shown below on or before October 23, 1995, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: R.G. Layser, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 95–D001 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT:

Rick Layser, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

DoD 5100.76–M, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives, prescribes standards and criteria intended to protect against loss or theft of sensitive conventional AA&E in the custody of DoD components or DoD contractors. This rule proposes amendments to the DFARS to provide guidance for the incorporation of the requirements of DoD 5100.76–M in DoD contracts.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule merely provides a standard method of implementing security requirements which already exist under DoD 5100.76–M. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95–D001 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act applies. A request for approval of the information collection has been submitted to the Office of Management and Budget.

List of Subjects in 48 CFR Parts 204, 223, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 204, 223, and 252 are proposed to be amended as follows:

PART 204—ADMINISTRATIVE MATTERS

1. The authority citation for 48 CFR Parts 204, 223, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

2. Section 204.202 is amended by adding paragraph (1)(v) to read as follows:

204.202 Agency distribution requirements.

(1) * * *

(v) One copy, or an extract of the pertinent information, to the cognizant Defense Investigative Service office listed in DoD 5100.76–M, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives, when the clause at 252.223–7XXX, Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives, is included in the contract.

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PART 223—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

3. Subpart 223.72 is added to read as follows:

Subpart 223.72—Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives**223.7200 Definition.**

Arms, ammunition, and explosives (AA&E), as used in this subpart, is defined in the clause at 252.223–7XXX, Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives.

223.7201 Policy.

(a) The requirements of DoD 5100.76–M, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives, shall be applied to contracts when—

(1) AA&E will be provided to the contractor or subcontractor as Government-furnished property; or

(2) The principal development, production, manufacture, or purchase of AA&E is for DoD use.

(b) The requirements of DoD 5100.76–M need not be applied to contracts when—

(1) The AA&E to be acquired under the contract is commercially available; or

(2) The contract will be performed in a Government-owned contractor-operated ammunition production facility. However, if subcontracts issued under such a contract will meet the criteria of paragraph (a) of this section, the requirements of DoD 5100.76–M shall apply.

223.7202 Preaward responsibilities.

When an acquisition involves AA&E, technical or requirements personnel shall specify in the purchase request—

(a) That AA&E is involved; and
(b) Which physical security requirements of DoD 5100.76–M apply.

223.7203 Contract clause.

Use the clause at 252.223–7XXX, Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives, in all solicitations and contracts to which DoD 5100.76–M applies, in accordance with the policy at 223.7201. Complete paragraph (b) of the clause base on information provided by cognizant technical or requirements personnel.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 252.223–7XXX is added to read as follows:

252.223–7XXX Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives.

As prescribed in 223.7203, use the following clause:

Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives (Date)

(a) *Definition. Arms, ammunition, and explosives (AA&E)*, as used in this clause, means those items covered within the scope

of DoD 5100.76–M, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives.

(b) The requirements of DoD 5100.76–M apply to the following items of AA&E being developed, produced, manufactured, or purchased for the Government, or provided to the Contractor as Government-furnished property, under this contract:

Nomenclature	National stock number	Sensitivity/Category

(c) The Contractor shall comply with the requirements of DoD 5100.76–M, as specified in the statement of work. The edition of DoD 5100.76–M in effect on the date of issuance of the solicitation for this contract shall apply.

(d) The Contractor shall allow representatives of the Defense Investigative Service (DIS), and representatives of other appropriate offices of the Government, access at all reasonable times into its facilities and those of its subcontractors, for the purpose of performing surveys, inspections, and investigations necessary to review compliance with the physical security standards applicable to this contract.

(e) The Contractor shall notify the cognizant DIS field office of any subcontract involving AA&E within 10 days after award of the subcontract.

(f) The Contractor shall ensure that the requirements of this clause are included in all subcontracts, at every tier—

(1) For the development, production, manufacture, or purchase of AA&E; or

(2) When AA&E will be provided to the subcontractor as Government-furnished property.

(g) Nothing in this clause shall relieve the Contractor of its responsibility for complying with applicable Federal, state, and local law, ordinances, codes, and regulations (including requirements for obtaining licenses and permits) in connection with the performance of this contract.

(End of clause)

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