

FOR FURTHER INFORMATION CONTACT: Judy Boley, Freedom of Information Act Officer, Records Management Branch, Room 234, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, (202) 418-0210.

SUPPLEMENTARY INFORMATION: The FCC is modifying Section 0.467(a) of the Commission's Rules. This rule pertains to the charges for searching and reviewing records requested under the Freedom of Information Act (FOIA). The FOIA requires federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidance issued by the Office of Management and Budget (OMB). In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines. However, because the FOIA requires that each agency's fees be based upon its direct costs of providing FOIA services, OMB did not provide a unitary, government-wide schedule of fees. The Commission based its FOIA fee schedule on the grade level of the employee who processes the request. Thus, the fee schedule was computed at a Step 5 of each grade level based on the General Schedule effected January 1996. The instant revisions correspond to modifications in the rate of pay recently approved by Congress.

Regulatory Procedures

This rule has been reviewed under Executive Order No. 12866 and has been determined not to be a "significant rule" since it will not have an annual effect on the economy of \$100 million or more.

In addition, it has been determined that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 47 CFR Part 0

Freedom of information.
Federal Communications Commission.
Andrew S. Fishel,
Managing Director.

Amendatory Text

Part 0 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. Section 0.467 is amended by revising the table in paragraph (a)(1) and its note, and paragraph (a)(2) to read as follows:

§ 0.467 Search and review fees.

(a)(1) * * *

Grade	Hourly fee
GS-1	8.56
GS-2	9.31
GS-3	10.50
GS-4	11.78
GS-5	13.19
GS-6	14.70
GS-7	16.33
GS-8	18.08
GS-9	19.98
GS-10	22.00
GS-11	24.17
GS-12	28.97
GS-13	34.45
GS-14	40.72
GS-15	47.89

Note: The fees in this table will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a)(1) of this section were computed at Step 5 of each grade level based on the General Schedule effective January 1996 and include 20 percent for personnel benefits.

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[FR Doc. 96-7966 Filed 4-1-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Parts 2 and 15

[ET Docket No. 94-124; RM-8308; FCC 95-499]

Operation above 40 GHz

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this *First Report and Order* ("1st R&O"), the Commission adopts revisions to the frequency allocation table and establishes standards to permit the manufacture, importation and operation of vehicle-mounted radar system transmitters in the 46.7-46.9 GHz and 76-77 GHz bands and of general use, unlicensed transmitters in the 59-64 GHz band. Part of this action responds to petitions for rule making filed by General Motors Research Corporation (GM) and VORAD Safety Systems, Inc. (VORAD).

EFFECTIVE DATE: May 2, 1996. The suspension of § 15.255 is effective until a final Commission decision is reached concerning appropriate spectrum etiquette techniques. FCC will publish

notice of the final decision in the Federal Register.

FOR FURTHER INFORMATION CONTACT: John Reed, Office of Engineering and Technology, (202) 418-2455, Richard Engelman, Office of Engineering and Technology, (202) 418-2445, or Michael Marcus, Office of Engineering and Technology, (202) 418-2470, or send an electronic mail message via the Internet to mmwaves@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's 1st R&O, ET Docket 94-124, FCC 95-499, adopted December 15, 1995, and released December 15, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1919 M Street, N.W., Room 246 or 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Summary of 1st R&O

1. On October 20, 1994, the Commission adopted a *Notice of Proposed Rule Making*, 59 FR 61304, November 30, 1994, in this proceeding. The Commission proposed to open for commercial development and use a portion of the millimeter wave frequency bands above 40 GHz. In particular, the Commission proposed to make available a total of 16 GHz of spectrum in the frequency range between 47.2 and 153 GHz on a shared basis with existing and future government users. The Commission also proposed to make available 2 GHz of spectrum in the 40.5-42.5 GHz band for non-government users.

2. In cooperation with the Department of Commerce's National Telecommunications and Information Administration (NTIA), the Commission proposed twelve frequency bands in the region of the spectrum from 47 GHz to 153 GHz for potential use by new millimeter wave technologies. The frequency bands are: 47.2-48.2 GHz, 59.0-64.0 GHz, 71.0-72.0 GHz, 76.0-77.0 GHz, 84.0-85.0 GHz, 94.7-95.7 GHz, 103.0-104.0 GHz, 116.0-117.0 GHz, 122.0-123.0 GHz, 126.0-127.0 GHz, 139.0-140.0 GHz, and 152.0-153.0 GHz. The Commission also proposed to designate three millimeter wave bands, as well as part of a fourth band, for use by vehicular radar systems. These bands are: 47.2-47.4 GHz, 76.0-77.0 GHz, 94-7-95.7 GHz and 139.0-140.0 GHz.

3. This 1st R&O makes available a total of 6.2 GHz of spectrum in the 46.7–46.9 GHz, 59–64 GHz, and 76–77 GHz bands for unlicensed devices. These new frequency bands and associated standards will permit the development of vehicle radar systems that could be used in conjunction with Intelligent Transportation Systems (ITS) and short-range, high capacity wireless radio systems that could be used for educational and medical applications, wireless access to libraries or other information databases. Based on comments filed in this proceeding, the Commission believes that the frequency band 46.7–46.9 GHz would be a better choice for vehicle radar operations in this region of the spectrum than our original proposal of 47.2–47.4 GHz. The use of this frequency band for vehicle radar systems addresses the concerns of Telecommunications Industry Association (TIA) and others, and will provide additional flexibility in our decisions regarding licensed operations. Therefore, we are making the 46.7–46.9

GHz and 76–77 GHz bands available for vehicle radar systems. We are also making the 59–64 GHz band available for use by general unlicensed devices under Part 15 of our rules. Our decision is primarily motivated by the physical characteristics of the spectrum and widespread support for this aspect of our rule. We believe that licensing is not necessary because of the limited potential for interference due to oxygen absorption and the narrow beamwidth of point-to-point antennas likely to be operating in this range. Moreover, we believe that by providing a full 5 GHz bandwidth we will be making the spectrum more attractive for novel broadband applications such as wireless computer-to-computer communications.

List of Subjects

47 CFR Part 2

Communications equipment, Radio.

47 CFR Part 15

Communications equipment, Highway safety, Radio.

Federal Communications Commission.
William F. Caton,
Acting Secretary.

Rules Changes

Title 47 of the Code of Federal Regulations, Parts 2 and 15, are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for Part 2 continues to read as follows:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303, and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended by revising the frequency bands 43.5–47.0 GHz, 59–64 GHz, 76–81 GHz, to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

International table			United States table		FCC use designators	
Region 1—allocation GHz	Region 2—allocation GHz	Region 3—allocation GHz	Government Allocation GHz	Non-Government Allocation GHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
43.5–45.5 MOBILE 902	43.5–45.5 MOBILE 902	43.5–45.5 MOBILE 902	43.5–45.5 FIXED-SAT-ELLITE (Earth-to-space)	43.5–45.5		
MOBILE-SAT-ELLITE RADIO-NAVIGATION RADIO-NAVIGATION-SATELLITE 903	MOBILE-SAT-ELLITE RADIO-NAVIGATION RADIO-NAVIGATION-SATELLITE 903	MOBILE-SAT-ELLITE RADIO-NAVIGATION RADIO-NAVIGATION-SATELLITE 903	MOBILE-SAT-ELLITE (Earth-to-space)			
45.5–47.0 MOBILE 902	45.5–47.0 MOBILE 902	45.5–47.0 MOBILE 902	G117 45.5–47.0 MOBILE	45.5–47.0 MOBILE	RADIO FREQUENCY DEVICES (15)	
MOBILE-SAT-ELLITE RADIO-NAVIGATION RADIO-NAVIGATION-SATELLITE	MOBILE-SAT-ELLITE RADIO-NAVIGATION RADIO-NAVIGATION-SATELLITE 903	MOBILE-SAT-ELLITE RADIO-NAVIGATION RADIO-NAVIGATION-SATELLITE	MOBILE-SAT-ELLITE (Earth-to-space)	MOBILE-SAT-ELLITE (Earth-to-space)		
59–64 FIXED	59–64 FIXED	59–64 FIXED	59–64 FIXED	59–64 FIXED	Radio frequency devices (15)	61.25 GHz±250 MHz: Industrial, scientific and medical frequency
INTER-SAT-ELLITE MOBILE 909 RADIOLOCATION 910 911	INTER-SAT-ELLITE MOBILE 909 RADIOLOCATION 911	INTER-SAT-ELLITE MOBILE 909 RADIOLOCATION 911	INTER-SAT-ELLITE MOBILE 909 RADIOLOCATION 911	INTER-SAT-ELLITE MOBILE 909 RADIOLOCATION 911		

International table			United States table		FCC use designators	
Region 1—allocation GHz	Region 2—allocation GHz	Region 3—allocation GHz	Government Allocation GHz	Non-Government Allocation GHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
76-77 RADIOLOCATION	76-77 RADIOLOCATION	76-77 RADIOLOCATION	76-77 RADIOLOCATION	76-77 RADIOLOCATION	RADIO FREQUENCY DEVICES (15)	*
Amateur Amateur-Satellite Space Research (space-to-Earth)	Amateur Amateur-Satellite Space Research (space-to-Earth)	Amateur Amateur-Satellite Space Research (space-to-Earth)		Amateur		
77-81 RADIOLOCATION	77-81 RADIOLOCATION	77-81 RADIOLOCATION	77-81	77-81 RADIOLOCATION	Amateur (97)	
Amateur Amateur-Satellite Space Research (space-to-Earth)	Amateur Amateur-Satellite Space Research (space-to-Earth)	Amateur Amateur-Satellite Space Research (space-to-Earth)		Amateur Amateur-Satellite		
			912	912		

* * * * *

3. Section 2.997 is revised to read as follows:

§ 2.997 Frequency spectrum to be investigated.

(a) In all of the measurements set forth in §§ 2.991 and 2.993, the spectrum shall be investigated from the lowest radio frequency signal generated in the equipment, without going below 9 kHz, up to at least the frequency shown below:

- (1) If the equipment operates below 10 GHz: to the tenth harmonic of the highest fundamental frequency or to 40 GHz, whichever is lower.
- (2) If the equipment operates at or above 10 GHz and below 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 100 GHz, whichever is lower.
- (3) If the equipment operates at or above 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 200 GHz, whichever is lower.

(b) Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency. Radiation at the frequencies of multiplier stages should also be checked.

(c) The amplitude of spurious emissions which are attenuated more than 20 dB below the permissible value need not be reported.

(d) Unless otherwise specified, measurements above 40 GHz shall be performed using a minimum resolution bandwidth of 1 MHz.

PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for Part 15 continues to read as follows:

Authority: Secs. 4, 302, 303, 304, 307, and 624A of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303, 304, 307, and 544A.

2. Section 15.31 is amended by revising paragraph (f)(1) to read as follows:

§ 15.31 Measurement standards.

* * * * *

(f) * * *

(1) At frequencies equal to or above 30 MHz, measurements may be performed at a distance other than what is specified provided: measurements are not made in the near field; and, it can be demonstrated that the signal levels needed to be measured at the distance employed can be detected by the measurement equipment. Measurements shall not be performed at a distance greater than 30 meters unless it can be further demonstrated that measurements at a distance of 30 meters or less are impractical. When performing measurements at a distance other than what is specified, the results shall be extrapolated to the specified distance using one of the following formulas: for measurements above 30 MHz but below 40 GHz, an inverse linear-distance extrapolation factor (20 dB/decade); for measurements above 40 GHz, an inverse linear-distance-squared extrapolation factor (40 dB/decade).

* * * * *

3. Section 15.33 is amended by revising paragraph (a) to read as follows:

§ 15.33 Frequency range of radiated measurements.

(a) For an intentional radiator, the spectrum shall be investigated from the lowest radio frequency signal generated in the device, without going below 9 kHz, up to at least the frequency shown in this paragraph:

- (1) If the intentional radiator operates below 10 GHz: to the tenth harmonic of the highest fundamental frequency or to 40 GHz, whichever is lower.
- (2) If the intentional radiator operates at or above 10 GHz and below 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 100 GHz, whichever is lower.
- (3) If the intentional radiator operates at or above 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 200 GHz, whichever is lower.

(4) If the intentional radiator contains a digital device, regardless of whether this digital device controls the functions of the intentional radiator or the digital device is used for additional control or function purposes other than to enable the operation of the intentional radiator, the frequency range shall be investigated up to the range specified in paragraphs (a)(1) through (a)(3) of this section or the range applicable to the digital device, as shown in paragraph (b)(1) of this section, whichever is the higher frequency range of investigation.

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4. Section 15.35 is amended by revising paragraph (b) to read as follows:

§ 15.35 Measurement detector functions and bandwidths.

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(b) On any frequency or frequencies above 1000 MHz, unless otherwise

stated, the radiated limits shown are based on the use of measurement instrumentation employing an average detector function. When average radiated emission measurements are specified in the regulations, including emission measurements below 1000 MHz, there is also a limit on the radio frequency emissions, as measured using instrumentation with a peak detector function, corresponding to 20 dB above the maximum permitted average limit for the frequency being investigated. Unless otherwise specified, measurements above 1000 MHz shall be performed using a minimum resolution bandwidth of 1 MHz. Measurements of AC power line conducted emissions are performed using a CISPR quasi-peak detector, even for devices for which average radiated emission measurements are specified.

* * * * *

5. Section 15.205 is amended by adding a new paragraph (d)(4) to read as follows:

§ 15.205 Restricted bands of operation.

* * * * *

(d) * * *

(4) Any equipment operated under the provisions of § 15.253 or § 15.255.

* * * * *

6. A new § 15.253 is added to Subpart C to read as follows:

§ 15.253 Operation within the bands 46.7–46.9 GHz and 76.0–77.0 GHz.

(a) Operation within the bands 46.7–46.9 GHz and 76.0–77.0 GHz is restricted to vehicle-mounted field disturbance sensors used as vehicle radar systems. The transmission of additional information, such as data, is permitted provided the primary mode of operation is as a vehicle-mounted field disturbance sensor. Operation under the provisions of this section is not permitted on aircraft or satellites.

(b) The radiated emission limits within the bands 46.7–46.9 GHz and 76.0–77.0 GHz are as follows:

(1) If the vehicle is not in motion, the power density of any emission within the bands specified in this section shall not exceed 200 nW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(2) For forward-looking vehicle-mounted field disturbance sensors, if the vehicle is in motion the power density of any emission within the bands specified in this section shall not exceed 60 µW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(3) For side-looking or rear-looking vehicle-mounted field disturbance sensors, if the vehicle is in motion the

power density of any emission within the bands specified in this section shall not exceed 30 µW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(c) The power density of any emissions outside the operating band shall consist solely of spurious emissions and shall not exceed the following:

(1) For vehicle-mounted field disturbance sensors operating in the band 46.7–46.9 GHz: 2 pW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(2) For forward-looking vehicle-mounted field disturbance sensors operating in the band 76–77 GHz: 600 pW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(3) For side-looking or rear-looking vehicle-mounted field disturbance sensors operating in the band 76–77 GHz: 300 pW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(4) Radiated emissions below 40 GHz shall not exceed the general limits in § 15.209.

(d) The provisions in § 15.35 limiting peak emissions apply.

(e) Fundamental emissions must be contained within the frequency bands specified in this section during all conditions of operation. Equipment is presumed to operate over the temperature range –20 to +50 degrees celsius with an input voltage variation of 85% to 115% of rated input voltage, unless justification is presented to demonstrate otherwise.

(f) Regardless of the power density levels permitted under this section, devices operating under the provisions of this section must comply with the requirements of the RF safety standards specified in § 1.1307(b) of this chapter. Compliance with these standards for the fundamental emissions and the unwanted emissions must be demonstrated in the application for certification.

7. A new § 15.255 is added to Subpart C and suspended to read as follows:

§ 15.255 Operation within the band 59.0–64.0 GHz.

(a) Operation under the provisions of this section is not permitted for field disturbance sensors, including vehicle radar systems, nor is the operation of this equipment permitted on aircraft or satellites.

(b) Within the 59.0–64.0 GHz band, the power density of any emission shall not exceed 9 µW/cm² at a distance of 3 meters.

(c) The power density of any emissions outside the 59.0–64.0 GHz

band shall consist solely of spurious emissions and shall not exceed 90 pW/cm² at a distance of 3 meters. The levels of the spurious emissions shall not exceed the level of the fundamental emission.

(d) Radiated emissions below 40 GHz shall not exceed the general limits in § 15.209.

(e) The provisions in § 15.35 limiting peak emissions apply.

(f) Fundamental emissions must be contained within the frequency bands specified in this section during all conditions of operation. Equipment is presumed to operate over the temperature range –20 to +50 degrees celsius with an input voltage variation of 85% to 115% of rated input voltage, unless justification is presented to demonstrate otherwise.

(g) Regardless of the power density levels permitted under this section, devices operating under the provisions of this section must comply with the requirements of the RF safety standards specified in § 1.1307(b) of this chapter. Compliance with these standards for the fundamental emissions and the unwanted emissions must be demonstrated in the application for certification. The use of professional installation to install the equipment is not sufficient to provide this demonstration.

[FR Doc. 96–7689 Filed 4–1–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 95–169; RM–8722]

Radio Broadcasting Services; Machias, ME

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 266B to Machias, Maine, in response to a request from Dr. James Whalen. See 60 FR 62061, December 4, 1995. The coordinates for Channel 266B are 44–45–22 and 67–36–50. There is a site restriction 12.8 kilometers (7.9 miles) west of the community. Canadian concurrence has been obtained for this allotment. With this action, this proceeding is terminated.

DATES: Effective May 10, 1996. The window period for filing applications will open on May 10, 1996, and close on June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.