

Act, and any enforceable duties are imposed as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Part 206

Disaster assistance, Public assistance.

Accordingly, 44 CFR part 206 is amended as follows:

1. The authority citation for part 206 is revised to read as follows:

Authority: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

2. Section 206.227 is revised to read as follows:

§ 206.227 Snow assistance.

Emergency or major disaster declarations based on snow or blizzard conditions will be made only for cases of record or near record snowstorms, as established by official government records. Federal assistance will be provided for all costs eligible under 44 CFR 206.225 for a specified period of time which will be determined by the circumstances of the event.

Dated: August 18, 1997.

James L. Witt,

Director.

[FR Doc. 97-22679 Filed 8-26-97; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 94-124; FCC 97-267]

Use of Radio Frequencies Above 40 GHz for New Radio Applications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this *Memorandum Opinion and Order* the Commission grants the petition for reconsideration of Cutler-Hammer by amending the regulations to permit operation of lower power fixed radar systems in the 59-64 GHz band, permits interim equipment approval and operation of unlicensed services in the 59-64 GHz band provided that the equipment complies with the proposed spectrum etiquette contained in the Fourth Notice or Proposed Rule Making, denies Vorad Safety Systems, Inc.'s petition for

reconsideration requesting relaxation of the spurious emission limits for vehicle radar systems operating in the 46.7-46.9 GHz band, and corrects two typographical errors contained in the First Report and Order ("Order") in this proceeding.

EFFECTIVE DATE: September 26, 1997.

FOR FURTHER INFORMATION CONTACT: John A. Reed (202) 418-2455 or Rodney P. Conway (202) 418-2904. Via electronic mail: jreed@fcc.gov or rconway@fcc.gov, Office of Engineering and Technology, Federal Communications Commission. **SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order*, ET Docket 94-124, FCC 97-267 adopted July 28, 1997, and released August 14, 1997. 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., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, N.W., Washington, D.C. 20036.

Summary of the Memorandum Opinion and Order

1. Cutler-Hammer, a manufacturer of sensors used in industrial applications, filed a petition for reconsideration requesting the Commission amend its rules to permit the operation of lower power, fixed field disturbance sensors (radar) in the 59-64 GHz frequency band. Cutler-Hammer states that lower frequency sensors of the type currently being manufactured have performance limitations that millimeter wave sensors can overcome and improve on sensor performance with the 5 GHz of frequency bandwidth.

2. Cutler-Hammer recognizes that a number of parties participating in this proceeding expressed concern about suggestions that vehicle radar systems be permitted to operate in the 60-61 GHz band. It agrees that the potential for interference from mobile field disturbance sensors to fixed operations is hard to predict and to avoid. Fixed field disturbance sensors operating characteristics are much more predictable and the potential for causing and receiving interference is more easily determined, while the operating characteristics of mobile field disturbance sensors are very difficult to predict due to the inherently variable nature of the system, which results in unpredictable radiation patterns and potentials for causing and receiving interference. Cutler-Hammer indicates that, in contrast, the low power fixed

field disturbance sensors it desires to employ would operate with very little power and would create a predictable radiation pattern, permitting them to be designed and installed in such a way that they would neither be susceptible to, nor likely to cause, interference. Accordingly, Cutler-Hammer believes that the prohibition against the use of fixed field disturbance sensors is unnecessarily broad and is not supported by the record.

3. The Commission agrees with Cutler-Hammer that fixed field disturbance sensors at the proposed output level of 9 nW/cm² as measured at 3 meters from the transmit antenna would not be likely to be a source of interference to other communications systems operating with an output level of up to 9 μW/cm² as measured at 3 meters from the transmit antenna in the 59-64 GHz band. This is the only unlicensed frequency band under the Commission's regulations that provides a bandwidth this wide and at a power level that makes operation practical. Accordingly, the Commission is granting the request from Cutler-Hammer to remove the prohibition against fixed field disturbance sensors. The Commission also recognizes that, in many cases, the manufacturing process may require that the sensor be capable of movement, even though the equipment in which the sensor is installed is fixed. Thus, the Commission will clarify in its rules that the permission to operate fixed field disturbance sensors applies to sensors installed in fixed equipment, even if the sensor itself moves within the equipment. However, this action does not affect the Commission's existing prohibition on mobile field disturbance sensors in the 59-64 GHz frequency band.

4. Although the Commission stated previously in this proceeding that operation in the 59-64 GHz band would be permitted only after adoption of a spectrum etiquette, we now believe that this prohibition no longer is necessary and would be detrimental to the introduction of new products and services. Therefore, the Commission will permit operation in the 59-64 GHz band, of any authorized, unlicensed communications devices, including fixed field disturbance sensors, on an interim basis pending consideration of the Spectrum Etiquette proposed in the Fourth Notice of Proposed Rule Making. The Commission believes that permitting interim operation will serve the public interest by permitting early rollout of new and innovative technologies and services. The Commission will require, however, that

equipment approved for such interim operation comply with the proposed Spectrum Etiquette. The Commission stresses that any spectrum etiquette finally adopted in this proceeding may differ significantly from the proposed Spectrum Etiquette contained in the Fourth NPRM and that manufacture and operation of equipment under this interim provision is at the risk of the manufacturer and operator exclusively. The Commission also stresses that initial operation which complies with the proposed Spectrum Etiquette does not guarantee continued operation if any changes in that etiquette are adopted.

5. Vorad Safety Systems, Inc. ("Vorad"), a manufacturer of field disturbance sensors used for vehicle collision avoidance systems, requests reconsideration of the spurious emission limit for sensors operating in the 46 GHz band. Vorad requests that the limits on spurious emissions applicable to field disturbance sensors operating in the 76 GHz band also be applied to sensors operating in the 46 GHz band. The limits on spurious emissions from transmitters in the 76 GHz band are 300 pW/cm² at 3 meters for side or rear looking sensors and 600 pW/cm² at 3 meters for forward looking sensors. The limit for spurious emissions from transmitters operating in the 46 GHz band is 2 pW/cm² at 3 meters.

6. Vorad adds that the Commission relaxed the standard for vehicle radar systems in the 76 GHz band but adhered to its strict proposal for radar operating in the 46 GHz band. Vorad states that the adopted limit conflicts with the Commission's stated goal of encouraging expeditious development of an important safety product. Vorad adds that meeting the stricter limit using current technology would be possible only by reducing operating power, which would significantly degrade the performance of the system.

7. Vorad argues that the limit on spurious emissions adopted by the Commission for the 46 GHz band is not technically justified. It states that the Commission based its decision on the need to protect existing and future U.S. Government uses of the 94 GHz and 140 GHz bands. However, Vorad indicates that the evidence in the record does not demonstrate that there is a real threat of interference to such uses by vehicle radar systems, since vehicle radar systems use highly directionalized antennas and will primarily be used on the nation's highways. It adds that it has operated vehicle radar systems in the 24 GHz band for several years and has been experimenting with operations in the 47

GHz band for over a year. Vorad indicates that the spurious emissions from its 24 GHz and 47 GHz transmissions were suppressed by only 50 dB, and that no complaints of interference were received. Thus, Vorad states that its experience with these systems demonstrates that an attenuation standard of 50 dB is sufficient to protect other spectrum users. Vorad adds that there is no evidence that operations in the 46 GHz band will present more of an interference risk than do operations in the 76 GHz band, for which a much more reasonable standard was adopted. The limits on spurious emissions from transmitters in the 76 GHz band are 300 pW/cm² at 3 meters for side or rear looking sensors and 600 pW/cm² at 3 meters for forward looking sensors. If the transmitter is operated at its maximum permitted output levels, spurious emissions must be attenuated by at least 50 dB.

8. Finally, Vorad argues that vehicle radar systems in the 76 GHz band will create spurious emissions over a much larger range of spectrum than will operations in the 46 GHz band. It states that the narrow 200 MHz bandwidth employed by transmitters in the 46 GHz band will limit the bandwidth of harmonic emissions. In contrast, the permissible bandwidth of the 76 GHz radar is 1000 MHz, resulting in spurious emissions over much more of the spectrum due to intermodulation frequency products.

9. The National Telecommunications and Information Administration (NTIA) was the only party to file comments in response to the Vorad petition. NTIA strongly opposes VORAD's request to relax the spurious emission limit. It states that the majority of U.S. Government operations occur in the propagation windows centered at 94 GHz, 140 GHz and 220 GHz. The band centered at 220 GHz is centered at a null for water absorption, while still having relatively low attenuation properties due to absorption from dry air. Since the bands being addressed in this proceeding did not exceed 155 GHz and spurious emissions were addressed only below 200 GHz, the 220 GHz band was not addressed in the Commission's earlier considerations. It adds that new radio receiver technologies using wide bandwidth (typically 4-10 GHz) and improved sensitivities have resulted in greater resolution and precision for detection and guidance systems and remote sensing of the environment. NTIA points out that a joint Federal Aviation Administration/Department of Defense/Industry program is currently underway to develop and test "synthetic

vision" systems intended for use in airport environments during poor visibility. Further, it states that recent analysis indicates that the noise threshold of these receivers can be more than 30 dB below the threshold assumed by the Commission in its *Order* for this type of equipment, so further relaxation of the limit on spurious emissions could have serious consequences on the effectiveness of systems in these bands. Finally, NTIA states that it invited Vorad to present its views to the Interdepartment Radio Advisory Committee (IRAC), but that Vorad did not respond to this offer. NTIA adds that it remains willing to assist Vorad should it decide to pursue an effort to demonstrate compatibility of its equipment, but in the interim urges the Commission not to relax the limit on spurious emissions.

10. The Commission is denying Vorad's petition to relax the limits on spurious emissions from field disturbance sensors operating in the 46 GHz band. The Commission recognized in the *Order* that its decision might have an adverse economic impact on manufacturers but concluded that the limit was appropriate to protect present and future U.S. Government operations in the 94 and 140 GHz bands. It stated that the 94 GHz and 140 GHz bands share many potential uses, since these bands are in the only two atmospheric transmission windows between 60 GHz and 300 GHz. The 94 GHz band is employed for radio astronomy, U.S. Government passive imaging systems, and Department of Defense classified applications. The 140 GHz band is used for radio astronomy and Government military passive imaging systems. In particular, the Commission noted that the Advanced Research Projects Agency's MIMIC program to develop lower-cost millimeter wave components has involved technology in the 94 GHz area and is likely to increase the use of this and other millimeter wave bands. The Commission, in the *Order*, added that, while it appreciated the arguments in the comments from General Motors Corporation and GM Hughes Electronics for relaxing the spurious emission limits, it did not agree that directional antennas and the use of vehicle radar systems on highways would be sufficient to eliminate interference to airborne passive sensors. Further, as noted by NTIA in its comments on Vorad's petition, current development of a passive imaging system used as an aircraft landing aid in adverse weather conditions involves resolution capabilities which are directly related to the amount of RF signal noise in the

band. Thus, we continue to believe that the presence of excessive spurious emissions from other signal sources, e.g., harmonic emissions from vehicle radar systems in the 46 GHz band, would degrade the usefulness of these bands for passive imaging and other possible functions.

11. While Vorad indicates that its previous experience with field disturbance sensors operating at 24 GHz and at 47 GHz and employing a spurious emission suppression of 50 dB has not resulted in complaints of interference, the Commission does not find this sufficiently conclusive to relax the spurious emission requirements. First, operations in the 94 GHz and 140 GHz bands are only now being developed. As U.S. Government and other operations increase in these bands, along with the proliferation of field disturbance sensors in the 46 GHz band, the potential for interference would also increase. Second, Vorad's argument does not address the cumulative effects of multiple transmitters operating simultaneously within a service area. Finally, 50 dB attenuation of the spurious emissions from transmitters operating in the 24 GHz band results in an emission level that is relatively close to the emission limit adopted in the *Order* for spurious emissions from the 46 GHz band.

12. The Commission does not agree with Vorad's claims that harmonic emissions from the 76 GHz system present the same, or greater, interference potential to 94 GHz and 140 GHz systems as sensors operating in the 46 GHz band, even if the 76 GHz devices use frequency doublers or triplers to achieve the fundamental emission. If, as suggested by Vorad, the 76 GHz systems generate their fundamental emissions through the use of a 25.5 GHz oscillator, the third harmonic is at 76.5 GHz, the fourth harmonic is at 102 GHz, the fifth harmonic is at 127.5 GHz, and the sixth harmonic is at 153 GHz. If the 76 GHz systems generate their fundamental emissions through the use of a 38.25 GHz oscillator, the second harmonic is at 76.5 GHz, the third harmonic is at 114.75 GHz, and the fourth harmonic is at 153 GHz. In every case, the harmonic emissions from the 76 GHz system are well removed from the 94 GHz and 140 GHz bands. While Vorad also argues that the wider bandwidth of the 76 GHz system will result in spurious emissions covering a larger bandwidth, as compared to systems in the 46 GHz band, this wider bandwidth is not sufficient to cause the harmonic emissions to fall within the 94 GHz or 140 GHz bands.

13. We decline to permit a higher spurious emission level for field disturbance sensors operating in the 46 GHz band. Accordingly, the Petition for Reconsideration of Vorad Safety Services, Inc. is denied.

14. The Commission is taking this opportunity to correct two typographical errors contained in the *Order* in this proceeding. Section 15.215(a) is being amended to reflect the two new rule §§ 15.253 and 15.255 covering operations above 40 GHz. Section 15.215 notes the exceptions to the general emission limits contained in § 15.209 and should have been amended in the *Order*. Section 15.31(f)(1) is also being corrected to reflect that the inverse linear-distance-squared extrapolation factor (40 dB per decade) for measurements above 40 GHz applies only to measurements performed in the near field. In response to the Second Notice of Proposed Rule Making, 61 FR 14041, March 29, 1996, in this proceeding, Epsilon Lambda, General Motors and Vorad expressed concern that measurements at the specified distance of 3 meters could result in measurements in the near field, requiring the use of an inverse linear-distance-squared extrapolation factor (40 dB per decade) instead of inverse linear-distance (20 dB per decade), as previously specified in the rules. The Commission agreed with these comments but inadvertently stated that all measurements above 40 GHz could be made at a distance greater than 3 meters using an inverse linear-distance-squared extrapolation factor, even if the measurements were not being performed in the near field. However, the inverse linear-distance-squared factor correctly extrapolates the change in signal level versus distance when measurements are made in the near field, whereas the inverse linear-distance factor correctly extrapolates the change in signal level versus distance when measurements are made in the far field. The use of the inverse linear-distance-squared extrapolation factor under all measurement conditions could permit a manufacturer to increase measurement distance until the results demonstrated compliance, even though the emissions exceed the limit when the product is measured at a shorter distance. Accordingly, the rules are being amended to indicate that the use of an inverse linear-distance-squared extrapolation factor applies only to near-field measurements. Measurements in the far field will continue to be extrapolated employing an inverse linear-distance extrapolation factor.

15. In accordance with the above discussion and pursuant to the authority

contained in Sections 4(i), 302, 303(e), 303(f), 303(g), 303(r), and 405 of the Communications Act of 1934, as amended, *it is ordered* that the Petition for Reconsideration filed by Cutler-Hammer, Inc., as supplemented, to permit operation of low power, fixed field disturbance sensors in the 60 GHz band is granted as described below by the amendments to part 15 of the Commission's Rules and Regulations are amended as shown below, effective September 26, 1997.

16. *It is further ordered* That the Petition for Reconsideration filed by Vorad Safety Systems, Inc., is denied.

Final Regulatory Flexibility Analysis

17. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603 ("RFA"), an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated into the Notice of Proposed Rule Making ("NPRM") in ET Docket No. 94-124.¹ The Commission sought written public comments on the proposals in the NPRM, including the IRFA. The Commission's Final Regulatory Flexibility Analysis ("FRFA") in this Memorandum Opinion and Order conforms to the RFA, as amended by the Contract with America Advancement Act of 1996 (CWAAA), Public Law 104-121, 110 Stat. 847 (1996).²

18. Need for and Objective of the Rules. Our objectives are to permit the operation within the 59-64 GHz band of fixed field disturbance sensors in an industrial environment. These products were prohibited under the Order in ET Docket No. 94-124.³

19. Summary of Significant Issues Raised by Public Comments in Response to the IRFA. No comments were submitted in direct response to the IRFA. However, Cutler-Hammer, Inc. filed a Petition for Reconsideration requesting that the Commission amend its rules to permit the operation within the 59-64 GHz band of fixed field disturbance sensors in an industrial environment. No comments were filed in response to this petition.

20. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply. For the purposes of this Memorandum Opinion and Order, the RFA defines a "small business" to be the same as a "small business concern" under the Small Business Act, 15 U.S.C. 632, unless the Commission

¹ See 9 FCC Rcd 7078 (1994), 59 FR 61304, November 30, 1994.

² Subtitle II of the CWAAA is "The Small Business Regulatory Enforcement Fairness Act of 1996" (SBREFA), codified at 5 U.S.C. 601 *et seq.*

³ See 11 FCC Rcd 4481 (1995), 61 FR 14041, March 29, 1996.

has developed one or more definitions that are appropriate to its activities.⁴ Under the Small Business Act, a "small business concern" is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA).⁵ Since the Regulatory Flexibility Act amendments were not in effect until the record in this proceeding was closed, the Commission did not request information regarding the number of small businesses that might use this service and is unable at this time to determine the number of small businesses that would be affected by this action in addition to Cutler-Hammer, Inc.

21. The Commission has not developed a definition of small entities applicable to unlicensed communications devices. Therefore, we will utilize the SBA definition applicable to manufacturers of Radio and Television Broadcasting and Communications Equipment. According to the SBA regulations, unlicensed transmitter manufacturers must have 750 or fewer employees in order to qualify as a small business concern.⁶ Census Bureau data indicates that there are 858 U.S. companies that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities.⁷ The Census Bureau category is very broad, and specific figures are not available as to how many of these firms will manufacture unlicensed communications devices. However, we believe that many of them may qualify as small entities.

22. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements. Our new rules permit the introduction of a new type of equipment which will operate in the 59–64 GHz band. As with other communications equipment already permitted to operate within this frequency band, the transmitter must be authorized under the Commission's certification procedure. No changes were made to the standards that must be met by the equipment or the reporting or recordkeeping requirements.

23. Significant Alternatives and Steps Taken to Minimize Significant

Economic Impact on a Substantial Number of Small Entities Consistent with Stated Objectives. No alternatives or other steps were addressed in this proceeding.

24. Report to Congress. The Commission shall send a copy of this Final Regulatory Flexibility Analysis, along with this Memorandum Opinion and Order, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 15

Communications equipment, Highway safety, Radio.
Federal Communications Commission.
William F. Caton,
Acting Secretary.

Rule Changes

Title 47 of the Code of Federal Regulations, Part 15, is amended as follows:

PART 15—RADIO FREQUENCY DEVICES

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

Authority: 47 U.S.C. 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 at or above 30 MHz, measurements may be performed at a distance other than that specified provided: Measurements are not made in the near field, and it can be demonstrated that the signal levels 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 demonstrated that measurements at a distance of 30 meters or less are impractical. When performing measurements at a distance other than that specified, the results shall be extrapolated to the specified distance using one of the following formulas: For measurements above 30 MHz that are not performed in the near field, an inverse linear-distance extrapolation factor (20 dB/decade); for measurements performed in the near field, an inverse linear-distance-squared extrapolation factor (40 dB/decade).

* * * * *

3. Section 15.215 is amended by revising paragraph (a) to read as follows:

§ 15.215 Additional provisions to the general radiated emission limitations.

(a) The regulations in §§ 15.217 through 15.255 provide alternatives to the general radiated emission limits for intentional radiators operating in specified frequency bands. Unless otherwise stated, there are no restrictions as to the types of operation permitted under these sections.

* * * * *

4. Section 15.255 is amended by revising paragraphs (a) and (b) 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 the following products:

- (1) Equipment used on aircraft or satellites; and
- (2) Field disturbance sensors, including vehicle radar systems, unless the field disturbance sensors are employed for fixed operation. For the purposes of this section, the reference to fixed operation includes field disturbance sensors installed in fixed equipment, even if the sensor itself moves within the equipment.

(b) Within the 59–64 GHz band, emission levels shall not exceed the following:

- (1) For products other than fixed field disturbance sensors, the power density of any emission shall not exceed 9 μW/cm² at a distance of 3 meters;
- (2) For fixed field disturbance sensors that occupy 500 MHz or less of bandwidth and that are contained wholly within the frequency band 61.0–61.5 GHz, the power density of any emission within the band 61.0–61.5 GHz shall not exceed 9 μW/cm² at a distance of 3 meters and the power density of any emission outside of the 61.0–61.5 GHz band, but still within the 59–64 GHz band, shall not exceed 9 nW/cm² at a distance of 3 meters; and
- (3) For fixed field disturbance sensors other than those operating under the provisions of paragraph (b)(2) of this section, the peak transmitter output power shall not exceed 0.1 mW and the peak power density shall not exceed 9 nW/cm² at a distance of 3 meters.

Note to paragraph (b): Equipment may be authorized and operated on an interim basis under the provisions of this section provided it complies with the Spectrum Etiquette parameters contained in the December 13, 1996 submission from the Millimeter Wave Communications Working Group in ET Docket 94–124. Copies of the submission are available for inspection at the Federal Communications Commission Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and may also be purchased from the Federal Communications

⁴ See 5 U.S.C. 601(3) (incorporating by reference the definition of "small business concern" in 5 U.S.C. 632).

⁵ See 15 U.S.C. 632.

⁶ See 13 CFR 121.201, (SIC) Code 3663.

⁷ See U.S. Dept. of Commerce, 1992 Census of Transportation, Communications and Utilities (issued May 1995), SIC category 3663.

Commission's duplication contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, N.W., Washington, D.C. 20036. The submission is also available for viewing on the FCC's internet website [http://www.fcc.gov/oet/dockets/et94-124/].

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[FR Doc. 97-22550 Filed 8-26-97; 8:45 am]
BILLING CODE 6712-01-U

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Parts 701, 702, 703, 704, 705, 706, 708, 709, 711, 715, 716, 717, 719, 722, 724, 725, 726, 728, 731, 732, 733, 734, 736, 749, 750, 752, 753; and Appendices A, C, G, and H to Chapter 7

[AIDAR Notice 97-1]

RIN 0412-AA32

Miscellaneous Amendments to Acquisition Regulations; Corrections

AGENCY: Agency for International Development (USAID), IDCA.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to rule document 97-18603, AIDAR Notice 97-1, Miscellaneous Amendments to Acquisition Regulations, in the issue of Tuesday, July 29, 1997 (62 FR 40464).

EFFECTIVE DATE: August 28, 1997.

FOR FURTHER INFORMATION CONTACT: M/OP/P, Ms. Diane M. Howard, (703) 875-1533.

SUPPLEMENTARY INFORMATION: AIDAR Notice 97-1, Miscellaneous Amendments to Acquisition Regulations, was published as a Final Rule on July 29, 1997 (62 FR 40464). Several omissions from and errors in the Rule have been identified and require corrective action. The specific corrections are:

1. Amendments 2 and 6 intended to revise the acronym "AID" and "AID-direct", respectively, to "USAID" and "USAID-Direct". However, in several places in the AIDAR, the acronym has periods between the letters, and this version of the acronym also needs to be changed to "USAID". The two amendments are corrected accordingly.

2. Amendment 32 revised section 715.613-71, but the phrasing in paragraph (c) needs to be corrected by moving the first two words in (c)(1)(i) up to the end of the phrase in (c)(1) in order to have (c)(1)(ii) read properly.

3. Amendment 59 added a new clause, 752.225-70, containing wording

which needs to be corrected to prevent future ambiguities. The specific correction, in the last sentence of the section, will provide the Contracting Officer discretion to require a refund if restricted goods are purchased without his or her prior written approval.

4. Several clauses in Part 752 of this chapter were added or revised to such extent that they require new dates; however, the date used was inaccurate and needs to be corrected to reflect either the actual month in which the Rule was published or the month in which the new clause was implemented (the new clauses at 752.225-70 and 752.225-71 became effective when a deviation was approved in February 1997). The specific amendments (and clauses) are number 59 (752.225-70), number 60 (752.225-71), number 62 (752.226-2), number 67 (752.7001), number 68 (752.7004), number 72 (752.7015), and number 76 (752.7033).

Correction of Publication

Accordingly, the publication on July 29, 1997 of final rule [AIDAR Notice 97-1] Miscellaneous Amendments to Acquisition Regulations (62 FR 40464), the subject of FR document 97-18603, is corrected as follows:

1. In the Preamble on page 40465, in the first column under D. Administrative Changes, in items (1) insert 'and "A.I.D."' between "'A.I.D.'" and "to" on the fourth line.

CHAPTER 7—[CORRECTED]

2. On page 40466 in the second column, in the second line of amendment 2, "acronym" should read "acronyms" and "'A.I.D.'" should read "'AID" and A.I.D.'".

3. On the same page and column, amendment 6 should read as follows: "6. In Chapter 7, sections 711.002-71, 722.170, 752.211-70 and 752.7002 are amended by revising "AID-direct" wherever it appears to read "USAID-direct", and sections 728.307-2, 728.309, 728.313, and 752.7003 are amended by revising "A.I.D.-direct" wherever it appears to read "USAID-direct".

715.613-71 [Corrected]

4. On page 40468 in the first column, in amendment 32, paragraph (c)(1) under section 715.613-71 should read as follows:

“(c) * * *

(1) The cognizant technical office makes a preliminary finding that an activity:

- (i) Is authorized by Title XII; and
- (ii) Should be classed as collaborative assistance because a continuing collaborative relationship between

USAID, the host country, and the contractor is required from design through completion of the activity, and USAID, host country, and contractor participation in a continuing review and evaluation of the activity is essential for its proper execution.”

752.225-70 [Corrected]

5. On page 40470, in the first column in amendment 59, in the clause heading for section 752.225-70, "(May 1997)" should read "(February 1997)", and in the last sentence of the clause, the final phrase, "the Contractor agrees to refund to USAID the entire amount of the purchase" should read "the Contracting Officer may require the contractor to refund the entire amount of the purchase".

752.225-71 [Corrected]

6. On the same page and column, in amendment 60, in the clause heading for section 752.225-71, "(May 1997)" should read "(February 1997)".

752.7001 [Corrected]

7. On the same page, in the third column in amendment 67, in the clause heading for section 752.7001, "(May 1997)" should read "(July 1997)".

752.7004 [Corrected]

8. On the same page and column, in amendment 68, in the clause heading for section 752.7004, "(May 1997)" should read "(July 1997)".

752.7015 [Corrected]

9. On page 40471 in the first column, in amendment 72, in the clause heading for section 752.7015, "(April 1996)" should read "(July 1997)".

752.7033 [Corrected]

10. On the same page and column, in amendment 76, in the clause heading for section 752.7033, "(May 1997)" should read "(July 1997)".

Dated: August 11, 1997.

Marcus L. Stevenson,

Procurement Executive.

[FR Doc. 97-22712 Filed 8-26-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1157

[STB Ex Parte No. 563]

Commuter Rail Service Continuation Subsidies and Discontinuance Notices

AGENCY: Surface Transportation Board, DOT.