

I. Training

Education and awareness are the essential ingredients to preparedness. Employees must remain aware of their surroundings and the packages they handle. You must carefully design and vigorously monitor your security program to reduce the risk for all.

1. Through training you can develop a culture of security awareness in your operation. Essential to ensuring employee confidence in their safety is the inclusion of union representatives or other employee representatives in developing and giving training. Managers should consider security training a critical element of their job.

2. A complete training program will include:

- a. Basic security procedures;
- b. Recognizing and reporting suspicious packages;
- c. Proper use of personal protection equipment;

- d. Responding to a biological threat; and
- e. Responding to a bomb threat.

3. Maintain a log of all employees and training attended, including the date completed. Follow up with refresher training on a regular basis.

4. In addition to educating the employees who work for you, you must educate all employees who work in the facility on best mail practices including security measures. Employee awareness of the measures you have taken leads to confidence in the safety of the packages that are delivered to their desktops.

J. Plan Review

The General Services Administration strongly recommends external review of your security plan. This may include a review by a consultant, your agency security department, or a peer review.

Dated: May 16, 2002.

Stephen A. Perry,

Administrator of General Services.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 95-177; FCC 02-135]

Biomedical Telemetry Transmitters

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial.

SUMMARY: This document dismisses a petition for reconsideration filed by the Cellular Phone Taskforce concerning the effects of radio frequency radiation on "electrosensitive" individuals, and denies a petition for partial reconsideration concerning separation distances filed by the National Association of Broadcasters.

FOR FURTHER INFORMATION CONTACT:

Hugh Van Tuyl, Office of Engineering and Technology, (202) 418-7506.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order*, ET Docket No. 95-177, FCC 02-135, adopted May 2, 2002, and released May 13, 2002. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW, Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room, CY-B402, Washington, DC 20554. The full text may also be downloaded at: www.fcc.gov. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365.

Summary of the Memorandum Opinion and Order

1. In October 1997, the Commission adopted a Report and Order (R&O) that increased the maximum permitted signal strength for medical telemetry transmitters operating in the broadcast television bands under Part 15 of the rules. The R&O also permitted these devices to operate on TV channels 14-46 in addition to TV channels 7-13 where they already were permitted to operate. To prevent interference to TV broadcast signals, minimum required separation distances were established between medical telemetry transmitters and the Grade B contours of co-channel analog TV stations. No separation distances were proposed or established between medical telemetry transmitters and the noise limited service contours of digital TV stations, but medical telemetry transmitters must operate on a non-interference basis to digital TV and to all other authorized services.

2. Two parties filed petitions for reconsideration of the rules adopted in the R&O. The Cellular Phone Taskforce (CPT) claims that the transmission levels permitted in the rules are too high and are therefore discriminatory because they will adversely affect persons who are extremely sensitive to electromagnetic fields. The National Association of Broadcasters (NAB) claims that the rules do not provide adequate protection to analog TV broadcast signals from interference caused by medical telemetry transmitters. NAB states that we used a desired-to-undesired (D/U) signal ratio that was too low in calculating the minimum required separation distances

between medical telemetry transmitters and the Grade B contours of co-channel TV stations. NAB's petition did not address the issue of protecting digital TV signals from interference by medical telemetry equipment.

3. Prior to the adoption of the Report and Order in this proceeding, the Commission addressed in another proceeding CPT's arguments that stringent standards for RF emissions should be established to protect persons who are adversely affected by exposure to low-level electromagnetic fields. More specifically, in 1996, CPT filed a petition for reconsideration in ET Docket 93-62, which adopted new guidelines and methods for evaluating the environmental effects of radio frequency (RF) radiation from FCC-regulated transmitters. CPT's petition in that proceeding argued that stricter RF emission limits were necessary to protect persons who are "electrosensitive." The Commission denied CPT's petition on August 25, 1997, stating that the RF safety rules adopted in that proceeding were based on the recommendations of expert organizations and federal agencies with responsibilities for health and safety, and that it was not practicable for the Commission to independently evaluate studies of biological effects, especially concerning controversial issues such as whether some persons are "electrosensitive." CPT appealed the Commission's decision in ET Docket 93-62 at the same time it petitioned for reconsideration of the Commission's decision in this proceeding. The Court affirmed the Commission's decision to rely on standards formulated by expert organizations and agencies. In denying a rehearing, the Court specifically concluded, in response to CPT's claims of discrimination against handicapped persons, that the American with Disabilities Act (42 U.S.C. 12101 *et seq.*) did not apply to the Commission's decision and that arguments made under the Rehabilitation Act (29 U.S.C. 701 *et seq.*) were without merit. Because the essence of CPT's arguments here have already been addressed by the Commission in ET Docket 93-62 and the Commission's decision in that proceeding has been affirmed on appeal, we are dismissing CPT's petition for reconsideration in this proceeding.

4. We find that the 45 dB D/U signal ratio we selected to determine the required separation distances between medical telemetry transmitters and TV grade B contours is appropriate. This ratio was originally adopted by the Commission in 1952 to protect TV stations from interference from co-channel TV stations at the Grade B

contour. It is specified in Part 74 of the Commission rules to protect analog TV signals from co-channel interference from low power TV, TV translator or TV booster stations. This ratio provides greater protection than the 34 dB ratio specified in Part 73 to protect analog TV signals from interference from digital TV signals. We find that the D/U ratios recommended by National Association of Broadcasters are overly protective and thus affirm our decision to base the separation rules on a 45 dB D/U ratio.

5. While we find that the rules we adopted are adequate to prevent interference, we also note that recent Commission actions will serve to reduce the number of medical telemetry users in the TV bands. Subsequent to this proceeding, the Commission allocated three new frequency bands where medical telemetry can operate on a primary basis. In allocating these bands, our goal was not only to provide spectrum where medical telemetry can operate without interference, but also to encourage medical telemetry users to migrate out of the current bands. To accomplish this transition, the Commission will cease approving medical telemetry equipment that can operate in the TV bands starting October 16, 2002. While there is no cutoff on the marketing and use of medical telemetry equipment approved prior to that date, we expect that the use of medical telemetry equipment in the TV bands will gradually cease as equipment that operates in the newly allocated bands is deployed to replace older equipment.

6. Pursuant to the authority contained in sections 4(i), 301, 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 302, 303(e), 303(f), and 303(r), the Petition for Reconsideration filed by the Cellular Phone Taskforce *is dismissed*.

7. Pursuant to the authority contained in sections 4(i), 301, 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 302, 303(e), 303(f), and 303(r), the Petition for Partial Reconsideration filed by the National Association of Broadcasters *is denied*.

List of Subjects in 47 CFR Part 15

Communications equipment, Radio, Report and recordkeeping requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1813 and 1852

RIN 2700-AC33

Non-Commercial Representations and Certifications and Evaluation Provisions for Use in Simplified Acquisitions

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This final rule amends the NFS to provide a consolidated set of representations and certifications and an evaluation provision for the acquisition of non-commercial items within the simplified acquisition threshold.

EFFECTIVE DATE: June 6, 2002.

FOR FURTHER INFORMATION CONTACT: Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK), (202) 358-1645 or e-mail: cdalton@hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Currently for commercial acquisitions, FAR provision 52.212-3, Offeror Representations and Certifications—Commercial Items, provides a consolidated set of representations and certifications. No equivalent provision exists for non-commercial items. This final rule provides an equivalent provision for use with NASA's non-commercial acquisitions within the simplified acquisition threshold (SAT). This new consolidated provision will ensure that all appropriate representations and certifications are consistently used and will simplify the incorporation of representation and certification into solicitations. Additionally, this final rule provides an evaluation provision to be used in non-commercial acquisitions within the SAT when selection is based on other than technically acceptable low offer. This evaluation provision will provide a consistent notice to offerors of how evaluations will be conducted.

NASA published a proposed rule in the **Federal Register** on January 25, 2002 (67 FR 3669-3673). Two respondents submitted comments on the proposed rule. One respondent was generally supportive of the proposed rule. The other respondent's comments indicated a lack of understanding that this change is merely a consolidation of existing requirements and not an imposition of additional requirements. The comments received were

considered in formulation of this final rule. While no changes are being made as a result of comments received, changes are being made for consistency with existing FAR provisions. Changes made include removal of the Trade Agreements Certificate since it does not apply to acquisitions within the SAT; removal of the definition of "woman-owned business" since 52.219-1 no longer has this category; replacing "place of ownership" with "office" under the HUBZone certification as a result of changes made to 52.219-1 in FAC 01-06; and editorial changes at 1813.302-570(a)(2) for consistency of formatting and at 1852.213-70(c)(6)(i) and 1852.217-70(c)(6)(ii) for clarity.

B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act (5 USC 601, *et seq.*), because this rule merely consolidates within one provision existing FAR representations and certifications for use in non-commercial simplified acquisitions.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because these changes to the NFS do not impose any new recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 USC 3501, *et seq.*

List of Subjects in 48 CFR Parts 1813 and 1852

Government Procurement.

Scott Thompson,

Acting Assistant Administrator for Procurement.

Accordingly, 48 CFR Part 1813 and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1813 and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1)

PART 1813—SIMPLIFIED ACQUISITION PROCEDURES

2. Add section 1813.302-570 to read as follows:

1813.302-570 NASA solicitation provisions.

(a)(1) The contracting officer may use the provision at 1852.213-70, Offeror Representations and Certifications—Other Than Commercial Items, in simplified acquisitions exceeding the