

(C) For purposes of the cross-polarized EIRP table, the off-axis angle is the angle in degrees from the line connecting the focal point of the antenna to the orbital location of the target satellite and the plane of the GSO as defined in paragraph (b)(1)(i)(A) of this section will be used.

(ii) A certification, in Schedule B, that the ESV antenna conforms to the gain pattern criteria of § 25.209(a) and (b), that, combined with the maximum input power density calculated from the EIRP density less the antenna gain, which is entered in Schedule B, demonstrates that the off-axis EIRP spectral density envelope set forth in paragraphs (a)(1)(i)(A) through (a)(1)(i)(C) of this section will be met under the assumption that the antenna is pointed at the target satellite.

(iii) An ESV applicant proposing to implement a transmitter under paragraph (a)(1)(ii)(A) of this section, must provide a certification from the equipment manufacturer stating that the antenna tracking system will maintain a pointing error of less than or equal to 0.2° between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna and that the antenna tracking system is capable of ceasing emissions within 100 milliseconds if the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna exceeds 0.5°.

(iv) An ESV applicant proposing to implement a transmitter under paragraph (a)(1)(ii)(B) of this section must:

(A) Declare, in their application, a maximum antenna pointing error and demonstrate that the maximum antenna pointing error can be achieved without exceeding the off-axis EIRP spectral-density limits in paragraph (a)(1)(A) of this section; and

(B) Demonstrate that the ESV transmitter can detect if the transmitter exceeds the declared maximum antenna pointing error and can cease transmission within 100 milliseconds if the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna exceeds the declared maximum antenna pointing error, and will not resume transmissions until the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna is less than or equal to the declared maximum antenna pointing error.

(2) An ESV applicant proposing to implement a transmitter under paragraph (a)(2) of this section and using off-axis EIRP spectral-densities in excess of the levels in paragraph (a)(1)(i)

of this section shall provide the following certifications and demonstration as exhibits to its earth station application:

(i) A statement from the target satellite operator certifying that the proposed operation of the ESV has the potential to create harmful interference to satellite networks adjacent to the target satellite(s) that may be unacceptable.

(ii) A statement from the target satellite operator certifying that the power-density levels that the ESV applicant provided to the target satellite operator are consistent with the existing coordination agreements between its satellite(s) and the adjacent satellite systems within 6° of orbital separation from its satellite(s).

(iii) A statement from the target satellite operator certifying that it will include the power-density levels of the ESV applicant in all future coordination agreements.

(iv) A demonstration from the ESV operator that the ESV system is capable of detecting and automatically ceasing emissions within 100 milliseconds when the transmitter exceeds the off-axis EIRP spectral-densities supplied to the target satellite operator.

(3) There shall be an exhibit included with the application describing the geographic area(s) in which the ESVs will operate.

(4) The point of contact referred to in paragraph (a)(3) of this section and, if applicable paragraph (a)(6) of this section, must be included in the application.

(5) ESVs that exceed the radiation guidelines of § 1.1310 of this chapter, Radiofrequency radiation exposure limits, must provide, with their environmental assessment, a plan for mitigation of radiation exposure to the extent required to meet those guidelines.

(c) Operations of ESVs in the 14.0–14.2 GHz (Earth-to-space) frequency band within 125 km of the NASA TDRSS facilities on Guam (located at latitude: 13°36′55″ N, longitude 144°51′22″ E) or White Sands, New Mexico (latitude: 32°20′59″ N, longitude 106°36′31″ W and latitude: 32°32′40″ N, longitude 106°36′48″ W) are subject to coordination through the National Telecommunications and Information Administration (NTIA) Interdepartment Radio Advisory Committee (IRAC). When NTIA seeks to provide similar protection to future TDRSS sites that have been coordinated through the IRAC Frequency Assignment Subcommittee process, NTIA will notify the Commission that the site is nearing operational status. Upon public notice from the Commission, all Ku-band ESV

operators must cease operations in the 14.0–14.2 GHz band within 125 km of the new TDRSS site until after NTIA/IRAC coordination for the new TDRSS facility is complete. ESV operations will then again be permitted to operate in the 14.0–14.2 GHz band within 125 km of the new TDRSS site, subject to any operational constraints developed in the coordination process.

(d) Operations of ESVs in the 14.47–14.5 GHz (Earth-to-space) frequency band within (a) 45 km of the radio observatory on St. Croix, Virgin Islands (latitude 17°46′ N, longitude 64°35′ W); (b) 125 km of the radio observatory on Mauna Kea, Hawaii (at latitude 19°48′ N, longitude 155°28′ W); and (c) 90 km of the Arecibo Observatory on Puerto Rico (latitude 18°20′46″ W, longitude 66°45′11″ N) are subject to coordination through the National Telecommunications and Information Administration (NTIA) Interdepartment Radio Advisory Committee (IRAC).

■ 5. Section 25.271 is amended by revising paragraphs (b) and (c) introductory text and by removing paragraph (f).

The revisions read as follows:

#### **§ 25.271 Control of transmitting stations.**

\* \* \* \* \*

(b) The licensee of a transmitting earth station licensed under this part shall ensure that a trained operator is present on the earth station site, or at a designated remote control point for the earth station, at all times that transmissions are being conducted. No operator's license is required for a person to operate or perform maintenance on facilities authorized under this part.

(c) Authority will be granted to operate a transmitting earth station by remote control only on the conditions that:

\* \* \* \* \*

[FR Doc. E9–22058 Filed 9–14–09; 8:45 am]

BILLING CODE 6712–01–P

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 32**

#### **Uniform System of Accounts for Telecommunications Companies**

##### *CFR Correction*

In Title 47 of the Code of Federal Regulations, Parts 20 to 39, revised as of October 1, 2008, on page 415, in

§ 32.2000, remove and reserve paragraph (i).

[FR Doc. E9–22252 Filed 9–14–09; 8:45 am]

BILLING CODE 1505–01–D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### 48 CFR Part 352

#### Acquisition Regulations

##### CFR Correction

In Title 48 of the Code of Federal Regulations, Chapters 3 to 5, revised as of October 1, 2008, on page 81, in 352.270–1, in the clause, reinstate paragraph (c)(4) to read as follows:

#### 352.270–1 Accessibility of meetings, conferences, and seminars to persons with disabilities.

\* \* \* \* \*

(c) \* \* \*

(4) The Contractor is responsible for making a reasonable effort to ascertain the number of individuals with sensory impairments who plan to attend the meeting, conference, or seminar. However, if it can be determined that there will be no person with sensory impairment in attendance, the provision of those services under paragraph (c) of this clause for the nonrepresented group, or groups, is not required.

\* \* \* \* \*

[FR Doc. E9–22255 Filed 9–14–09; 8:45 am]

BILLING CODE 1505–01–D

## ENVIRONMENTAL PROTECTION AGENCY

#### 48 CFR Parts 1545 and 1552

[EPA EPA–HQ–OARM–2008–0817; FRL–8956–4]

RIN 2030–AA98

#### EPAAR Prescription and Clauses—Government Property—Contract Property Administration

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) amends the EPA Acquisition Regulation (EPAAR) to update policy, procedures, and contract clauses. The final rule consolidates the EPAAR physical property clauses (Decontamination, Fabrication, and Government Property), re-designates the prescription number in the data clause, and updates the roles and responsibilities of the contractor, DCMA and CPC.

**DATES:** This final rule is effective September 15, 2009.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–HQ–OARM–2008–0817. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the OEI Docket. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566–1752. OEI Docket, EPA/DC, EPA West, Public Reading Room 3334, 1301 Constitution Ave., NW., Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA docket is (202) 566–1752.

**FOR FURTHER INFORMATION CONTACT:** Iris Redmon, Acquisition Policy and Training Service Center (3802R) Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–2644; fax number: (202) 565–2553; e-mail address: [redmon.iris@epa.gov](mailto:redmon.iris@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does This Action Apply to Me?

Entities potentially affected by this action include firms that are performing or will perform under contract for the EPA which have or have the potential for the use of government property. This includes firms in all industry groups.

##### II. Background

The Federal Acquisition Regulation (FAR) on Government Property was revised June 14, 2007. The FAR Part 45 revision removed the previous restriction on providing government property for contract performance, and gave contracting officers more flexibility in their determination to provide property. Accordingly, in order to assist EPA contracting officers involved in providing Government Property and contract property administration, it is

necessary to amend the EPAAR to incorporate guidance on their use.

The EPAAR revision aligns Agency Government Property policy and procedures with the FAR Part 45, Government Property revision, and encourages contractors to use commercial standards for managing and recording property.

##### III. Final Rule

This rule amended the EPAAR to revise the prescription for and wording of the government property clause(s). The revision: (1) Re-designates the EPAAR prescription number 1545.106 as 1545.107 and changes the prescription reference in 1552.245–71 Government Furnished Data; (2) consolidates the information in 1552.245–73 Government Property (GP) and 1552.245–72–Fabrication or Acquisition of Nonexpendable Property with 1552.245–70 Decontamination; (3) changes the name of 1552.245–70 from Decontamination to Government Property; and (4) removes 1545.106 prescription, 1552.245–73 Government Property, and 1552.245–72 Fabrication or Acquisition of Nonexpendable Property.

##### IV. Statutory and Executive Order Reviews

###### A. Executive Order 12866: Regulatory Planning and Review

This final rule is not a significant regulatory action for the purposes of Executive Order 12866; therefore, no review is required by the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB).

###### B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information requirements that require the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

###### C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.