

Before the FCC 95-499
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Parts 2, 15, and 97 of the)	
Commission's Rules to Permit Use of Radio)	ET Docket No. 94-124
Frequencies Above 40 GHz for New Radio)	RM-8308
Applications)	

**FIRST REPORT AND ORDER
 AND
 SECOND NOTICE OF PROPOSED RULE MAKING**

Adopted: December 15, 1995; ; Released: December 15, 1995

Comments Due: **[60 days from date of publication in the Federal Register]**
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Note by Vic Hayes: Expected publication date is end of March 1996

By the Commission:

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INTRODUCTION

1. By this action, we open for commercial development and use a portion of the "millimeter wave" frequency bands above 40 GHz.¹ The amendments to our rules set forth herein will encourage the development and use of new technology in commercial products and services. In this Report and Order, the first of several that will be forthcoming in this proceeding, we are making available a total of 6.2 GHz of spectrum in the 46.7-46.9, 59-64, 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)² 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.

¹ The term "millimeter wave" is taken from the fact that the wavelength of radio signals for frequencies between 30 GHz and 300 GHz ranges from 10 millimeters down to 1 millimeter.

² ITS was formerly referred to as Intelligent Vehicle Highway Systems (IVHS).

2. It has been our experience that opening regions of the spectrum to commercial applications and new technology fosters the development and growth of new industries and promotes job creation. We believe that opening portions of the millimeter wave spectrum will similarly stimulate the development of new services for consumers and facilitate technology transfer from the military sector.³ This action will also promote national competitiveness by enabling development of technology for potential use in other parts of the world.⁴

3. We are also issuing a Second Notice of Proposed Rule Making that addresses several issues relating to use of the 46.7-46.9 GHz, 59-64 GHz, and 76-77 GHz bands. First, we are proposing to restrict temporarily amateur use of the 76-77 GHz band in order to ensure that vehicle radar systems will not receive interference from amateur operations. To balance any perceived harm by amateur operators, we are proposing to upgrade the status of amateur operators in the 77.5-78 GHz band to co-primary with the radiolocation service. We are also proposing limits for emissions in the 200-231 GHz band to protect radio astronomy operations from potential interference. In addition, we are proposing to initiate the development of a spectrum etiquette technique that would minimize interference in the 59-64 GHz band. We view this proceeding as an ongoing process to develop appropriate policies that will ultimately provide new opportunities for businesses, and promote the interests of consumers by making available new communications products and services.

BACKGROUND

4. In the Notice of Proposed Rule Making (Notice) on radio operation above 40 GHz, we proposed to open a total of 18 GHz of spectrum between 40.5 GHz and 153 GHz for commercial development.⁵ We specifically proposed thirteen frequency bands for potential use by new millimeter wave technology: 40.5-42.5 GHz, 47.2-48.2 GHz, 59-64 GHz, 71-72 GHz, 76-77 GHz, 84-85 GHz, 94.7-95.7 GHz, 103-104 GHz, 116-117 GHz, 122-123 GHz, 126-127 GHz, 139-140 GHz, and 152-153 GHz. We proposed to divide these bands between licensed services and unlicensed devices, with unlicensed spectrum further divided between unlicensed vehicle radar systems and general unlicensed devices.

³ For example, opening spectrum in the 2 GHz range for Personal Communications Services (PCS) has stimulated investment and technological development that promises to bring tremendous benefits to consumers.

⁴ We note that other parts of the world, such as Europe and Japan, are also considering commercial uses of millimeter wave technology. Specifically, the Europeans recently adopted the 76-77 GHz band for vehicle radar systems.

⁵ See Notice of Proposed Rule Making in ET Docket No. 94-124, 9 FCC Rcd 7078 (1994).

5. In proposing this division of spectrum, we recognized the potential benefits in licensing exclusive access to millimeter wave spectrum for the provision of certain kinds of telecommunication services.⁶ Based on the demand for licensed services below 40 GHz, we proposed to designate all of the 40.5-42.5 GHz band and virtually all of the 47.2-48.2 GHz band for licensed use (except for a small portion that would be designated for vehicular radar use, as indicated below). We also proposed to make available for use portions of the bands above 64 GHz that are not designated for vehicular radar or general unlicensed use.

6. We also recognized that there is significant interest in developing millimeter wave technology for vehicle radar systems.⁷ We proposed to make the 47.2-47.4 GHz, 76-77 GHz, 94.7-95.7 GHz, and 139-140 GHz bands available for vehicle radar systems operating on an unlicensed basis. We noted that establishing spectrum for vehicle radar systems is seen as an important initiative in the development of Intelligent Transportation Systems which is intended to offer significant benefits to the American public by improving highway safety.⁸

⁶ See Notice, at para. 13. The propagation of millimeter wave radio signals is more limited than that of radio signals at lower frequencies. Signals in the millimeter wave bands are significantly affected by the presence of oxygen and water vapor within the atmosphere. Absorption and scattering caused by oxygen and water vapor limit the range of millimeter wave transmissions to a few kilometers almost regardless of the power used. The amount of signal attenuation due to absorption and scattering varies with frequency and other factors. Attenuation caused by oxygen is significant throughout the millimeter wave spectrum, but increases dramatically at frequencies around 60 GHz and 120 GHz. Attenuation caused by water vapor varies based on temperature and relative humidity but generally increases with frequency. Rain, snow, hail, and fog can all affect the range of millimeter wave transmissions. See "Attenuation by Atmospheric Gases," International Telecommunications Union, Reports of the CCIR, 1990, Vol. V, Report 719-3, at pg. 189, for a more detailed discussion of atmospheric attenuation in the millimeter wave spectrum.

⁷ General Motors Research Corporation (GM) submitted a Petition for Rule Making to provide the 76-77 GHz band for vehicle radar systems. Comments responding to GM's petition were filed by Ford Motor Company (Ford), Chrysler Corporation (Chrysler), VORAD Safety Systems, Inc. (VORAD) and the American Automobile Manufacturers Association (AAMA). These parties requested that further bands be made available for vehicle radar systems. For example, AAMA, which is comprised of Ford, Chrysler, and GM, requested use of spectrum in the 24.75-25.25, 37.5-38.5, 76-77, 92-95, 139-141, and 152-154 GHz bands. VORAD requested 200 MHz of spectrum within the 46-50 GHz band.

⁸ We are also reviewing spectrum in other bands that could be available for ITS. For example, on February 3, 1995, we adopted a Report and Order to amend Part 90 of our rules by adopting regulations for a location monitoring service. See, Report and Order in PR Docket No. 93-61, 10 FCC Rcd. 4695 (1995).

7. Finally, we recognized that unlicensed use may be preferable for a portion of millimeter wave spectrum in order to meet the demand for a variety of low power communication devices.⁹ To address this demand, we proposed to make available 5 GHz of spectrum in the 59-64 GHz band, as well as portions of the bands above 64 GHz, for general unlicensed devices. We noted that the extremely limited propagation range of the 59-64 GHz band, as well as higher millimeter wave frequency bands, suggests that these bands would be appropriate for general unlicensed devices.

DISCUSSION AND DECISIONS

8. In this First Report and Order, we are addressing the use of vehicle radar systems operating below 80 GHz and general purpose, unlicensed devices operating in the 59-64 GHz band. Licensed millimeter wave operation, vehicle radar operations above 80 GHz, and unlicensed operation in other millimeter wave frequency bands will be addressed in future decisions. Several commenters asked that we review spectrum below 40 GHz;¹⁰ however, such requests are beyond the scope of this proceeding.

Vehicle Radar Systems

9. 46.7-46.9 GHz Band. In the Notice, we proposed to make available the 47.2-47.4 GHz band for vehicle radar systems.¹¹ This proposal was in part motivated by a request by VORAD Safety Systems, Inc. (VORAD) that we establish a 200 MHz band for vehicle radar systems somewhere within the 46-50 GHz band thereby permitting the rapid introduction of low cost millimeter wave vehicle radar systems. Such systems, according to VORAD, would be adapted using existing 24.125 GHz technology with a frequency doubler. Many radar devices, including police radars, operate at 24.125 GHz. The use of frequency doubling circuitry with the existing 24.125 GHz technology could allow the relatively low cost and speedy development of millimeter wave vehicle radar systems operating near 48 GHz.

10. In response to the Notice, the Telecommunications Industry Association (TIA) requests that we move the proposed frequency band for vehicle radar from 47.2-47.4 GHz to any 200 MHz segment in the range of 45-47 GHz to accommodate potential licensed operations.¹²

⁹ See Notice, at para. 14-15.

¹⁰ For example, VORAD requests that we consider the 24.675-24.775 GHz band in this proceeding for use by vehicle radars. Epsilon Lambda requests that we establish bands at 24.0-24.25 GHz and 37.0-39.5 GHz to be used under Part 15 for spread spectrum operations.

¹¹ This band is currently allocated for Government and non-Government fixed, fixed-satellite, and mobile applications.

¹² For example, TIA requests that the 48.5-51.4 GHz band be allocated for fixed point-to-point use. TIA indicates that the European Conference of Post and Telecommunications

Alcatel Network Systems (ANS), the Association of American Railroads (AAR), Digital Microwave Corporation (DMC), Harris, Hewlett-Packard (HP) and the Millimeter Wave Advisory Group (mmWAG) generally support TIA's proposals. VORAD and HP recommend that we use the 46.7-46.9 GHz band for vehicle radar systems.¹³ They indicate that this proposal would provide the amount of spectrum VORAD requested for its application and would also permit a small "cushion" of unlicensed spectrum in between the bands to provide added protection against interference.

11. Based on the comments, we now believe that the frequency band 46.7-46.9 GHz proposed by VORAD and HP would be a better choice for vehicle radar operations in this region of the spectrum than our original proposal. The use of this frequency band for vehicle radar systems addresses the concerns of TIA and others, and will provide additional flexibility in our decisions regarding licensed operations. Accordingly, we are making the 46.7-46.9 GHz band available for vehicle radar systems.¹⁴

12. 60-61 GHz Band. In response to the Notice, the Association for the Promotion of Millimeter-Wave Development and Utilization (APMDU), Fujitsu Ltd., Fujitsu Ten Ltd., Honda, Mitsubishi, the Research and Development Center for Radio Systems (RCR), and Toyota request that we authorize use of the 60-61 GHz band for vehicle radar systems. The APMDU indicates that the 60-61 GHz band is being considered by the Japanese Ministry of Posts and Telecommunications for vehicle radars and adds that the severe propagation losses in this band will reduce potential interference or crosstalk to other radio systems even when there is a high concentration of users in an area. Fujitsu Ltd. requests that the 60-61 GHz band be employed exclusively for vehicle radar. Fujitsu Ten Ltd. adds that this band would provide a balance between the more costly components and materials necessary for higher frequencies and the smaller aperture of the antenna. The American Radio Relay League (ARRL) supports the use of 60-61 GHz for vehicle radars and indicates that the use of this band would avoid potential

Administrations (CEPT), which is responsible for setting European telecommunications standards, has made an interim allocation for fixed, point-to-point use of the 48.5-51.4 GHz and 55.2-58.2 GHz bands in Europe. TIA also requests that the 47.2-48.0 GHz band be allocated for licensed use.

¹³ See VORAD and HP joint letter of August 18, 1995. VORAD and HP also suggest that the 45.6-46.6 GHz band should be reserved for general unlicensed operation. We are not addressing the 45.6-46.6 GHz band in this Report and Order. We intend to address in the future this proposal, along with the TIA proposals discussed in this paragraph. VORAD's and HP's request was not accompanied by a timely filed motion under Section 1.46 of our rules. However, no parties opposed or were prejudiced by the late-filed letter. Therefore, the Commission accepts VORAD's and HP's filing into the record of the proceeding as informal comments.

¹⁴ Although we did not propose in the Notice to use this specific frequency band, we did invite comments on alternative bands and indicated that frequency bands may be altered in our final rules. See Notice, at para. 12 and n. 19.

interference to amateur operations in the 76-77 GHz band. In addition, the AAMA indicates that it would not oppose also permitting vehicle radars in the 60-61 GHz band, provided the addition of this band would not cause us to eliminate any of the vehicle radar bands proposed in the Notice.

13. AT&T, HP, and mmWAG oppose the proposal to set aside the 60-61 GHz band for vehicle radar. AT&T expresses concern about the potential for interference from vehicle radar systems operating at 60-61 GHz to general unlicensed devices operating in the 59-64 GHz band.¹⁵ Moreover, AT&T argues that the exclusive use of the 60-61 GHz band for vehicle radar would break up the 5 GHz of spectrum proposed for use by general unlicensed devices into two smaller bands that would be less useful. HP concurs, pointing out that vehicle radars would interfere with broadband communications devices unless given an exclusive band of their own. It further states that allowing vehicle radar use in the 60-61 GHz band would destroy the only contiguous 5 GHz of bandwidth available, or ever likely to be available, for short range broadband communications.¹⁶ HP adds that spectrum sharing with radars is impossible, and that if the Commission were to set aside the 60-61 GHz band for vehicle radars, efforts to develop broadband communications systems in the 59-64 GHz would probably be abandoned. Both HP and mmWAG point out that the oxygen absorption band is ideally suited to short-range communications links, but confers no benefit to vehicle radar. AAMA points out that, from the perspective of the U.S. auto interests, the proposed 60-61 GHz band is not a viable alternative to the AAMA requested bands, nor is it being considered in Europe.¹⁷

14. An important goal of this proceeding is to foster the development of novel broadband communications systems. We believe that the 59-64 GHz band offers the greatest potential for allowing the development of short-range wireless radio systems with communications capabilities approaching those now achievable only with coaxial and optical fiber cable. Breaking up this band by providing an exclusive vehicle radar band at 60-61 GHz could potentially interfere with the development of important new applications. As discussed below, we believe that the sharing of vehicle radar spectrum with other services is not feasible. Accordingly, we will not authorize the use of the 60-61 GHz band for vehicle radar systems. We also note that, in this action, we are already making available 1.2 GHz of spectrum for vehicle radar systems, which we believe will satisfy the near-term spectrum requirements for these systems.

15. 76-77 GHz Band. In the Notice, we also proposed to make the 76-77 GHz band available for vehicle radar systems. This band is allocated for Government/non-Government radiolocation systems and, on a secondary basis, to the Amateur Radio Service under Part 97 of

¹⁵ See AT&T Comments at n. 5.

¹⁶ See HP Reply Comments.

¹⁷ See AAMA Reply Comments at 2.

our rules. We also asked for specific information regarding whether the entire 76-77 GHz band would be needed for vehicle radar systems.

16. The AAMA, the Federal Highway Administration (FHA), Ford, GM, GM-North American Operations, HP, the Intelligent Transportation Society of America (ITS America), and mmWAG support the use of the entire 76-77 GHz band for vehicle radar systems. The AAMA notes that typical systems currently under development require operating bandwidths of 200-500 MHz, with some requiring as much as 1 gigahertz of spectrum. The AAMA adds that more information can be extracted from the return signal when a wider bandwidth is used.¹⁸ Specifically, the AAMA notes that for a vehicle radar to be able to locate the edge of a road to an accuracy of 1/10th of a lane width, a minimum bandwidth of 416 MHz is required. It further states that sufficient additional spectrum must be available to account for short-term and long-term frequency drift. GM concurs with AAMA's position, adding that the entire 76-77 GHz band is needed to reduce the probabilities of interference between units and decrease the manufacturing costs.¹⁹ GM also submits that the 76-77 GHz band is desirable for product development because it offers an excellent trade-off between antenna size and component costs. GM further notes the additional benefit of enhancing the possibility of exporting units to the European market, since the 76-77 GHz band has already been chosen as a vehicular radar band in Europe.²⁰ ARRL states that it has no objections to the shared use of this band between amateurs and vehicle radar systems. However, it expresses concern regarding potential problems with sharing and indicates that it prefers that the 60-61 GHz band be used for vehicle radars.²¹

17. As demonstrated by the comments, there is significant industry support for use of the entire 76-77 GHz band for vehicle radar systems. Indeed, the three major U.S. automobile manufacturers have targeted this band in their efforts to develop collision avoidance radars. Furthermore, testing of vehicle radar systems operating in the 76-77 GHz range has already commenced. We also foresee economic benefits, such as economies of scale and broader marketplace demand, that may be attained if both the U.S. and European markets use the 76-77 GHz band for vehicle radar systems. Accordingly, we are making this band available for use by vehicle radar systems.

¹⁸ AAMA notes that range resolution is inversely related to bandwidth. For example, they argue that for automatic cruise control systems, typical resolution requirements are 0.5 meters to 2 meters, translating into a bandwidth of 75 to 300 MHz. See AAMA comments, at 9-11.

¹⁹ See GM Comments at 16-21.

²⁰ See GM Comments, at 3.

²¹ The proposal from ARRL, as well as similar proposals from APMDU, Fujitsu Ltd., Fujitsu Ten Ltd., Honda, Mitsubishi, RCR, and Toyota, to employ the 60-61 GHz band for vehicle radar is discussed above.

18. Sharing Between Vehicle Radars and Other Applications. Due to the safety nature of vehicle radar systems and the lack of experience of such systems sharing with totally different technologies, we tentatively concluded in the Notice that bands should be made available for exclusive use by vehicle radar systems until spectrum sharing criteria were developed.²² AAMA, Epsilon Lambda, Ford, HP, mmWAG, and VORAD support this proposal. VORAD points out that vehicle radar systems will be used for collision warning, automatic cruise control, automatic braking plus other longitudinal and lateral vehicle control applications. In such applications, VORAD stresses the necessity of preventing false alarms that could result from shared use of the spectrum. VORAD adds that vehicle radar manufacturers can develop interference avoidance systems to cope with other vehicle radar systems on the road, but if the band is shared with unlimited emitters and users, it will be much more difficult, and therefore more costly, to design interference avoidance schemes for all possibilities. HP indicates that it would be impractical for vehicle radar systems to share spectrum with licensed services.

19. ARRL objects to limiting the 76-77 GHz band to vehicle radar systems, noting that it wishes to maintain the existing amateur allocations from 75.8-81 GHz in order to spur development of short-range, high-speed data links. ARRL also recommends that we revise the proposed Table of Frequency Allocations in 47 CFR Section 2.106 to clearly indicate that only the 76-77 GHz portion of the amateur band would be used by vehicle radar systems. In the Notice, we proposed to permit Part 15 vehicle radar systems to operate in the 76-77 GHz band. However, the band of operation referenced in the Table of Frequency Allocations covers 76-81 GHz. Thus, ARRL is concerned that there could be a misunderstanding that our original proposal to amend 47 CFR Section 2.106 would permit unlicensed devices to operate throughout the 76-81 GHz band. Ford, in its reply comments, opposes the continued use of the 76-77 GHz band by amateur operators because of the public safety benefits of vehicle radar systems and the statement in ARRL's comments that "[p]rotection of vehicular radar systems by amateurs would be impossible...."²³ GM generally supports the proposal to limit use of the 76-77 GHz band to vehicle radar systems, but states that such systems would not be adversely affected if we permitted amateurs to continue using the bands. GM states that the anticipated amateur uses would result in power densities on public roads that are well below the levels that would cause any concern to the reliable operation of vehicle radars.

²² We did not, however, propose to change the existing allocation that permits Amateur Radio Service use of this band.

²³ See Ford's reply comments at para. 2 and ARRL's comments at n. 2.

20. Because of safety considerations, we agree with commenters that unlicensed use of the 76-77 GHz band should be limited for the time being to vehicle radar systems. In addition, as discussed below in the Second Notice of Proposed Rule Making, we also propose to temporarily restrict amateur use of the band until sharing criteria can be developed. We anticipate that vehicle radar systems may eventually be used for vehicle control, and this heightens our safety concerns regarding possible interference to these systems. Because the development of vehicle radar systems is still ongoing, it is difficult at this time to develop appropriate sharing criteria. While we are concerned about safety considerations, unlicensed bands are generally allocated to uses which can co-exist without causing detrimental interference. In the future, we expect that there will be non-vehicle radar systems which can successfully operate in these bands without causing interference. However, we wish to ensure that vehicle radar systems will have sufficient spectrum and design flexibility to develop their systems successfully, so that at this time we are restricting use of the band to vehicle radar systems. Even though there may be multiple vehicle radar systems, we feel the number of systems and their method of operation will permit them more easily to coordinate non-interfering sharing criteria than if we were to allow any type of system into the band. In the future, we expect other types of systems to operate in this band and wish to encourage the design of vehicle radar systems that will facilitate such sharing. Finally, in order to avoid confusion, we are amending Section 2.106 of the Rules, as requested by ARRL, to clarify that vehicle radar systems may only operate in the 76-77 GHz band and not in the remainder of the 77-81 GHz band.

21. In-band Power Density Limits. For vehicle radar systems, we proposed in the Notice a power density of $30 \mu\text{W}/\text{cm}^2$ at 3 meters from the radiating source. We also proposed that the vehicle radar systems be limited to a power density of $200 \text{nW}/\text{cm}^2$ at 3 meters when the vehicle was moving less than 1 km/hr. We invited comments on whether alternative approaches other than reducing power when not in motion could be implemented to ensure that vehicle radar devices are used safely. We indicated that one approach could be to permit devices with higher power density levels, provided they have design features that preclude human exposure to excessive RF signals.²⁴ We noted that we currently have a proceeding pending to consider the appropriate RF safety standard for radio transmitters, including millimeter wave band operations.²⁵ Our current rules specify the use of the American National Standard ANSI C95.1-1982, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz" for evaluating the environmental effects of RF radiation.²⁶ We proposed to use a newly-developed standard, IEEE C95.1-1991 (ANSI/IEEE C95.1-1992), "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz." For frequencies above 15 GHz, ANSI C95.1-1982 is generally more

²⁴ These design features could include circuitry to automatically turn off the transmitter if a person comes too near to the antenna, or physical protective enclosures to keep people at least a certain distance from the antenna.

²⁵ See Notice of Proposed Rule Making in ET Docket No. 93-62, 8 FCC Rcd 2849 (1993).

²⁶ See 47 CFR Section 1.1302 et seq.

restrictive than IEEE C95.1-1991. We also note that comments were filed by the Environmental Protection Agency in response to this proposal urging us to adopt the health-safety guidelines approved by the National Council on Radiation Protection (NCRP). The NCRP standards are more restrictive on millimeter wave frequencies in terms of power density than those contained in ANSI C95.1-1982 or IEEE C95.1-1991.

22. Epsilon Lambda states that the proposed power density of $30 \mu\text{W}/\text{cm}^2$ at 3 meters is adequate for vehicle collision warning systems having a range of about 500 feet. VORAD also indicates that effective vehicle radar systems can be produced at the proposed power density limit, stressing that the power density limit should be low to provide as great a margin for RF safety as possible.²⁷ AAMA, however, suggests that effective vehicle radar systems meeting the proposed power density limit cannot be produced. AAMA proposes a power density of $60 \mu\text{W}/\text{cm}^2$ at 3 meters, average, and $300 \mu\text{W}/\text{cm}^2$ at 3 meters, peak, which will provide a range of 300 meters. The AAMA states that researchers investigating collision avoidance systems typically reference a 100 m maximum range. However, AAMA adds that future systems will require maximum ranges on the order of 150 m to 300 m. GM agrees with AAMA, adding that it must design units with power densities at least 3 dB below the allowed limit due to a 1 dB variation each for transmitter power and antenna gain, and an additional 1 dB tolerance on the measurement. GM suggests that without an increase in allowed power density at 76 GHz, its current vehicle radar system would be forced to reduce range to an unacceptable value.²⁸

23. Several companies express concerns regarding our proposal to require that power density be reduced when the vehicle is stationary or moving at less than 1 km/hr. Epsilon Lambda states that the proposed power density reduction when the vehicle is stationary would add major costs to vehicle radar equipment. GM indicates that it is sometimes desirable to operate a vehicle radar system at full power when the vehicle is stopped; GM therefore requests that we not require the power density of vehicle radar systems to be reduced when the vehicle is stationary. GM provides information on the distance at which the RF safety standard would be met, based on the power density levels, and concludes that this power reduction is not needed to protect public safety. GM adds that building a speedometer that can accurately determine when a vehicle's speed crosses 1 km/hr is difficult. Thus, if we continue to require a reduction in the power density when the vehicle is stationary, GM requests that we adopt an "in motion" or "in drive gear" criterion instead of the 1 km/hr criteria. AAMA recommends against requiring that power density be reduced for stationary vehicles or that special interlocks be used to control RF exposure, stating that vehicle radars will be designed to comply with IEEE C95.1 or its equivalent. Ford concurs noting that "in motion" interlocks would defeat the purpose of rear and side looking vehicle radars by failing to alert drivers to potential collisions while at rest. Ford recommends allowing manufacturers sufficient technical flexibility to determine how best to meet the applicable radiation limits. VORAD recommends against allowing higher power

²⁷ VORAD also requests that the transmitter output limits be expressed in terms of volts/meter at a distance of 3 meters, similar to the limits for other Part 15 transmitters.

²⁸ See GM Comments, at 24.

densities even if special design features or safety interlocks to preclude human exposure above the standard are required. VORAD states that it is difficult to design human safety devices or mechanisms that will not fail or cannot be defeated, adding that vehicle radar systems could occasionally expose maintenance personnel to radiation hazards during equipment repairs if the safety features were deactivated. For these reasons, VORAD argues that the safest approach is for the vehicle radar emissions to be at safe levels at all times without relying on special safety features.²⁹

24. We agree with AAMA and GM that the maximum power density for forward-looking vehicle radar systems should be raised to $60 \mu\text{W}/\text{cm}^2$ at a distance of 3 meters. This increased power density should not cause excessive RF safety problems, especially since the emissions would be facing forward on a moving vehicle. With a power density of $60 \mu\text{W}/\text{cm}^2$ at 3 meters, compliance with the stricter NCRP safety standard should occur at distances of greater than 0.75 meters from the transmitting antenna. Obviously, anyone in danger of excessive RF exposure would be in greater danger of being struck by the vehicle. We recognize that toll-takers, officers directing traffic and others may, at times, be in front of moving vehicles. However, we also note that these persons should not be within the 0.75 meters in which it is necessary to exceed the RF safety standards. This limit should also be sufficient to provide the greater range AAMA indicates will be needed for future systems. While we recognize the need for greater range for forward-looking vehicle radar systems, we do not believe that additional operating range is required for side-looking or rear-looking vehicle radar systems. Accordingly, we are adopting a power density limit of $60 \mu\text{W}/\text{cm}^2$ at a distance of 3 meters for forward-looking vehicle radars and the originally proposed power density limit of $30 \mu\text{W}/\text{cm}^2$ at a distance of 3 meters for side-looking and rear-looking radars operating in the 46.7-46.9 GHz band or the 76-77 GHz band when the vehicle is in motion.

25. As indicated in the Notice, it is our intention to ensure that millimeter wave systems meet the relevant RF safety standards. As such, it is important that we limit the power density of vehicle radar systems to levels that ensure safe operation at distances where people are likely to be located. Because people are more likely to be located nearer to a stationary vehicle as opposed to a moving vehicle, we are adopting our proposal to require that the power density of vehicle radar systems be reduced when the vehicle is stationary. However, as suggested by GM, we are substituting the "in motion" criteria in lieu of the 1 kilometer/hour critical speed criteria previously proposed. We are sympathetic to the concerns of industry that the 1 kilometer/hour criteria may be too burdensome because, for example, of the difficulties of interfacing the sensor to the speedometer. The "in motion" criterion should suffice to ensure that when the vehicle is not in motion, harmful human exposure will not occur. We believe that GM's recommendation that an "in drive gear" standard should be applied is inappropriate because there are many situations, such as when a pedestrian is crossing a street, that a vehicle may be in drive gear with persons in close proximity to the vehicle.

²⁹ See VORAD Comments at 2-3.

26. We continue to believe that our proposed stationary vehicle power density limit of 200 nW/cm^2 at 3 meters is appropriate. This value will generally ensure compliance with our proposed RF safety standards at all distances greater than 2-4 cm from the antenna. This limit is consistent with our existing and proposed RF safety standard at distances of 2 cm from the antenna. It is also consistent with the more stringent NCRP standard at a distance of 4 cm. The NCRP RF safety standard over the frequency range 1.5-100 GHz is 1 mW/cm^2 . Accordingly, we believe the application of this power density limit will ensure that vehicle radar systems operating in stationary vehicles will be inherently safe in almost all situations. If, however, vehicle manufacturers place vehicle radar systems where persons may routinely be located, where the RF fields exceed the levels permitted in the RF safety standards, we will require them to take steps to ensure compliance with the RF safety standards, such as reducing power density, using warning labels, or installing protective covers. Finally, we believe industry should be responsible for designing effective safety systems that are not prone to failure or intentional override. Accordingly, we will review compliance with the RF safety standards in the equipment authorization process.

27. Antenna Side Lobe Attenuation. In the Notice, we proposed to require that the power density of the fundamental emissions from vehicular radar systems that are outside the main lobe of the radiation pattern be limited to 200 nW/cm^2 at a distance of 3 meters. AAMA, Epsilon Lambda, GM and VORAD express concern that this proposed limit is too stringent. In addition, GM argues that there is no need for a special restriction on the side lobe power density of vehicle radars since manufacturers will limit this level without Commission regulation. GM indicates that good side lobe suppression is crucial to limiting false responses, *i.e.*, interference, from out-of-lane vehicles. VORAD adds that some vehicle radars may require hemispherical coverage, which could be prohibited by sidelobe specifications. VORAD also states that a standard is difficult to define because of the great variation in antenna beam patterns. Based on the information provided in these comments, we conclude that our proposal to require antenna sidelobe specifications for vehicle radars would be inappropriately restrictive on product design and unnecessary to avoid interference. Accordingly, we are not adopting this proposal.

General Unlicensed Bands

28. 59-64 GHz Band. In the Notice, we proposed to make available the entire 59-64 GHz band for general use by unlicensed devices based on the severe propagation losses in this frequency band. In making our proposal, we noted that the National Oceanic and Atmospheric Administration (NOAA) had indicated that it plans to use the 60.4-61.2 GHz band for weather satellite passive sensing.³⁰ Parties were requested to provide detailed analysis and comments on whether terrestrial use of the 60.4-61.2 GHz band would interfere with NOAA's planned operations in that band and, in particular, whether this portion of the band should be excluded from the frequency bands made available under this proceeding.

³⁰ See Notice, at n. 17 and 18.

29. The commenting parties broadly support our proposal to make the 59-64 GHz band available for general unlicensed devices. HP notes that the 59-64 GHz band will support "premises communication" such as wireless local area networks, campus-wide links, roadway communications, and the like.³¹ AT&T is interested in using the band for computer-to-computer communications, which is already provisionally recommended in Europe.³² mmWAG also notes its support for our proposal to open the 59-64 GHz band for general unlicensed devices, but suggests that licensed services and radio physics systems should also be provided access to the spectrum. Apple supports the unlicensed use of the 59-64 GHz band, noting that the exclusivity and protection from interference that would normally be secured by licensing are provided by the very limited distances that signals at those frequencies are able to travel.³³

30. Hughes Aircraft Company, Communications Products Business Unit (HCP) expresses the need for a 2.5 GHz band to support high power, licensed point-to-point links that could provide the high data rate capabilities used by asynchronous transfer mode (ATM) networks. HCP suggests that the proposed 71.0-71.5 GHz band be expanded to 71.0-73.5 GHz to address this need. As an alternative, HCP proposes that the power density limit for devices in the 59-64 GHz band be raised to allow for longer point-to-point connections. It proposes that, as a third option, the 59-64 GHz band could be subdivided into a general unlicensed band from 59-61.5 GHz and a licensed point-to-point band from 61.5-64 GHz, in which a higher power density level would be permitted. However, several respondents, including AT&T, HP and mmWAG, express strong support for keeping licensed and unlicensed services on separate frequencies. In particular, AT&T notes that the difficulty of resolving interference problems between licensed services and the potentially large number of unlicensed devices operating in the millimeter wave spectrum makes separation advisable.³⁴

31. The National Research Council, Committee on Radio Frequencies (CORF) expresses concern regarding the potential for spurious and out-of-band emissions from some general unlicensed devices to interfere with terrestrial radio astronomy observations in adjacent bands.³⁵

³¹ See HP Reply Comments.

³² See AT&T Reply Comments, at 7.

³³ See Apple Comments, at 3. On January 31, 1995, Apple filed a request for acceptance of its late-filed comments, stating that its filing was one day beyond the due date but that the brief delay would not prejudice the interests of other parties. Apple's comments were not accompanied by a timely filed motion under Section 1.46 of our rules. However, no parties opposed or were prejudiced by the late-filed letter. Therefore, the Commission accepts Apple's filing into the record of the proceeding as informal comments.

³⁴ See AT&T Comments, at 2-3.

³⁵ The bands 58.2-59.0 GHz and 64.0-65.0 GHz are allocated to radio astronomy.

CORF indicates that it is primarily concerned about transmitters on satellites and aircraft. Regarding terrestrial use of the 59-64 GHz band, CORF argues that, taking into consideration the small number and isolated locations of observatory sites, the propagation characteristics of millimeter waves, and the proposed low power density of unlicensed transmitters, protection zones around the sites represent an attractive method to limit interference without significant impact on commercial development above 40 GHz.³⁶ CORF notes that the size of a protection zone at a particular frequency can be determined by using the specific screening characteristics of the site. CORF states that it has begun calculating the parameters of the proposed zones, and will make the results available as soon as the analysis is complete. Finally, CORF recommends that we modify US211 to include the 59-64 GHz band noting that the 58.2-59 GHz and the 64-65 GHz bands are allocated to the passive services.³⁷

32. Regarding the potential for interference to satellite passive sensing, the National Aeronautics and Space Administration (NASA) states that its analysis of the sharing potential demonstrates that sharing between terrestrial users in the 59-64 GHz band and space based passive sensors in the 60.3-61.3 GHz band is feasible. HP concurs with NASA's position regarding interference, noting that it will not be possible for the proposed unlicensed devices in this band to interfere with satellites. NASA requests that we allocate the 60.3-61.3 GHz band for earth exploration-satellite service.

33. We are therefore 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 the widespread support for this aspect of our proposal. We believe that licensing is not necessary because of the limited potential for interference due to oxygen absorption (see n. 6, supra) 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.

34. We note HCP's interest in obtaining access to a band with a 2.5 GHz bandwidth for higher powered, broadband, two-way links. We continue to believe that the sharing of spectrum by unlicensed and licensed users would not be workable because of the difficulty of resolving interference problems involving unlicensed devices. Given the current availability of other millimeter wave spectrum for licensed services, we believe sharing of spectrum by unlicensed and licensed operators is also unnecessary. Thus, we are not adopting rules to provide for licensed services in the 59-64 GHz band. Regarding HCP's alternative proposals, the proposed increase in the equivalent isotropically radiated power (EIRP) for the 61.5-64 GHz band is

³⁶ See CORF Comments, at 4.

³⁷ See 47 CFR Section 2.106, United States Footnote US211. This footnote states that applicants for airborne or space station assignments are urged to take all practical steps to protect radio astronomy operations in adjacent bands.

discussed below. HCP's other proposal for expanding the 71-71.5 GHz band will be considered in a future decision on licensed millimeter wave operations.

35. In response to CORF's concerns about potential interference to radio astronomy operations, we are adopting rules that will prohibit the use of 59-64 GHz unlicensed devices aboard aircraft and satellites. We believe that this prohibition will provide sufficient protection to radio astronomy services.³⁸ If future filings indicate a need for use of these devices on aircraft and demonstrate how such devices can be designed to avoid potential interference to radio astronomy operations, then we may ultimately allow such use. As suggested by CORF, protection zones around radio astronomy observatories may be necessary. However, we will consider such protection zones if and when CORF presents us with its proposals.

36. We also agree, based upon the information presented by both NASA and HP, that interference to satellite-based passive sensors will not be a problem. On this issue there seems to be a consensus that operations in the 59-64 GHz band will not pose an interference threat to space-based sensors and NOAA's proposed system in particular. We defer consideration of NASA's request to allocate the 60.3-61.3 GHz band for earth exploration-satellite service until such time as this proposed allocation has been approved by the International Telecommunications Union and we are presented with a formal request from the National Telecommunications and Information Administration (NTIA) to allocate the band for such use.

37. In-band Power Density Limits. In the Notice, we proposed to limit the power density of unlicensed Part 15 millimeter wave transmitters, except those used in vehicle radar systems, to 200 nW/cm² at a distance of 3 meters from the antenna.³⁹ We indicated that this limit would accommodate the needs of low-power, unlicensed users and would help ensure that unlicensed millimeter wave devices comply with the relevant RF safety standards.⁴⁰ We invited comment on the appropriateness of our proposed power density limit and on alternative approaches that could be implemented to ensure that Part 15 millimeter wave technology devices are used safely. One approach that we suggested would be to approve devices with higher power density levels, provided they have design features that preclude excessive human exposure to radio frequency signals.⁴¹

³⁸ Prohibiting the use of 59-64 GHz devices aboard aircraft and satellites also will provide even greater protection to radio astronomy operations than the application of US211 in 47 CFR 2.106 requested by CORF.

³⁹ This is comparable to 0.23 watts EIRP.

⁴⁰ The 200 nW/cm² at 3 meters power density limit generally provides compliance with both the existing ANSI C95.1-1982 standard and the proposed IEEE C95.1-1991 standard for human exposure to RF fields at distances greater than 2 cm from the transmitting antenna.

⁴¹ Such design features could include circuitry to automatically turn off the transmitter if a person comes too near to the antenna, or physical protective enclosures to keep people at least a certain distance from the antenna.

38. The commenting parties generally request that we permit higher power density levels than were proposed in the Notice. HP and mmWAG both submit that the power density limit should be raised to $9 \mu\text{W}/\text{cm}^2$ at 3 meters⁴² to provide a greater communications range for systems in the 59-64 GHz band. NASA notes that a power density level of $9 \mu\text{W}/\text{cm}^2$ at 3 meters in the 59-64 GHz band would not interfere with passive space-based measurements. Apple supports our proposal, stating that the $200 \text{nW}/\text{cm}^2$ at 3 meters standard is reasonable for applications in "uncontrolled" environments, but suggests permitting significantly higher power density levels of $9 \text{mW}/\text{cm}^2$ at 3 meters to $88 \text{mW}/\text{cm}^2$ at 3 meters⁴³ for professionally installed point-to-point systems in "controlled" environments.⁴⁴ Similarly, Southwest Microwave requests a power density limit of $30 \mu\text{W}/\text{cm}^2$ at 3 meters for outdoor, point-to-point, fixed systems. HCP proposes permitting higher power density levels for devices installed in locations where people will not be "close" to the main beam of the device for a substantial part of a minute or more.⁴⁵ HCP notes that many of the general unlicensed millimeter devices will be custom installed and not simply "bought off the shelf" by consumers. HCP recommends that we allow a power density of as much as $88 \text{mW}/\text{cm}^2$ at 3 meters for professionally installed devices with appropriate warning labels.⁴⁶ Under this scenario, the installer would be responsible for ensuring that the installation is such that people will not be within the critical distance of the device's antenna.

39. HP requests that we replace our proposed power density limits with EIRP limits. Metricom opposes the use of EIRP limits, and suggests that we adopt limits on RF transmitter output power with the flexibility to use high gain antennas. Epsilon Lambda requests that we employ a transmitter output limit of 1 watt, without specifying a limit on maximum antenna gain, for systems using spread spectrum modulation techniques. HP states that the RF safety standard

⁴² HP and mmWAG request that the system output levels be raised to an EIRP of 10 dBW. Where we discuss various power levels throughout this proceeding, we have converted the specification into W/cm^2 for consistency and to allow direct comparison.

⁴³ $9 \text{mW}/\text{cm}^2$ at 3 meters corresponds to an Equivalent Isotropically Radiated Power (EIRP) of 10,000 watts, and $88 \text{mW}/\text{cm}^2$ at 3 meters corresponds to an EIRP of 100,000 watts.

⁴⁴ The new ANSI standards define limits for both "controlled" and "uncontrolled" environments. "Controlled environments are locations where there is exposure that may be incurred by persons who are aware of the potential for exposure as a concomitant of employment, by other cognizant persons, or as the incidental result of transient passage through areas..." "Uncontrolled environments are locations where there is the exposure of individuals who have no knowledge or control of their exposure." See IEEE C95.1-1991, supra, at pgs. 9 and 12.

⁴⁵ See HCP Comments, at 5.

⁴⁶ See HCP Comments, at 6.

in IEEE C95.1-1991 is reasonable, indicating that this standard would not be a constraining factor in the design of Part 15 transmitters. However, HP also recommends against permitting the use of active interlocks on Part 15 transmitters as a means of complying with the RF safety standards. Instead, HP contends that all devices should comply with the safety standard at a distance of 2 cm from the transmitter.

40. We are adopting the higher power density level for unlicensed devices requested by HP and mmWAG, *i.e.*, $9 \mu\text{W}/\text{cm}^2$ at 3 meters. This would seem to be a reasonable approach in allowing manufacturers the necessary power density to be able to communicate effectively while still generally ensuring that the public would not be exposed to RF fields in excess of the safety standards. We again remind manufacturers that we will require millimeter wave equipment to meet the relevant RF safety standards, which may be changed as a result of further consideration under ET Docket No. 93-62.⁴⁷ Manufacturers will be required to take appropriate steps to comply with the RF safety standards, such as reducing power, using warning labels, or installing protective covers, if persons could routinely be located in places where the RF fields exceed the levels permitted in the RF safety standards. This will be particularly necessary for handheld devices. Compliance with the RF safety standards will be reviewed as part of the equipment authorization process.

41. We do not find it acceptable to permit operation of unlicensed millimeter wave systems at the levels requested by HCP and Apple. Such levels would result in a relatively large area near the millimeter wave system in which people may be present and the RF fields would exceed the safety standards.⁴⁸ As indicated in the Notice and discussed above, it is our intention to ensure that millimeter wave equipment meets the relevant RF safety standards. Unlicensed devices are often sold directly to consumers who have little knowledge of RF safety issues. Because of this, we must, in most cases, require that unlicensed millimeter wave systems be limited in power density to levels that ensure safe operation in places and at distances where people are likely to be located. Furthermore, we do not agree with HCP and Apple that a "professional installation" could reasonably be expected to ensure that persons would not be located in the large area in which the RF safety standards would be exceeded. We note that for licensed transmitters, the licensee is accountable for the installation and appropriate operation of the device. A significantly more detailed plan for protecting against RF exposure would be needed before we could adopt this approach for unlicensed devices.

⁴⁷ HP requests that we work with EPA to develop a more appropriate safety criteria, contending that scientific data does not exist for health effects of power density levels at these frequencies. We intend to continue our work in ET Docket No. 93-62 to develop appropriate RF safety standards. However, we also recognize that the resolution of an appropriate limit may take some time. At such time as formal RF safety standards are adopted by the Commission, we may revise the limits adopted in this proceeding.

⁴⁸ If we were to adopt the levels suggested by HCP and Apple, compliance with the RF safety standards would only be ensured at distances of 9 to 28 meters from the device, depending upon whether the existing standard, the proposed standard, or the more restrictive NCRP standard is used,

42. Regarding HP's proposal to replace power density limits with EIRP limits and the other proposals to limit only transmitter output power, we do not believe that such changes are appropriate. Power density limits are used already in the RF safety standards. Furthermore, power density most clearly regulates the interference potential that might be encountered by other users of the frequency band. Accordingly, we will specify the limit in units of power density as proposed.

Other Requirements

43. Out-of-band Emission Limits. In the Notice, we proposed to protect other radio services from harmful interference by limiting all spurious and out-of-band emissions from unlicensed millimeter wave devices, including vehicle radar systems, to 2 pW/cm^2 measured at 3 meters.⁴⁹ This is equivalent to an out-of-band suppression requirement of 50 dB for general unlicensed devices and 72 dB for vehicle radar systems.⁵⁰ In addition, we proposed to apply the general limits in 47 CFR Section 15.209 to all radiated emissions below 47.2 GHz.⁵¹

44. Eight parties filed comments regarding our proposal on spurious emission levels.⁵² Generally, the commenting parties express their concern that the power density limits proposed in the Notice would be: 1) difficult to meet and could undermine the development of low cost commercial products; 2) difficult to measure; and 3) unnecessary to protect other communications users. GM indicates that the high intrinsic signal losses in the millimeter wave region, the highly directional transmit and receive antennas that will be used with vehicle radar systems, and the fact that other systems will be located away from the highway limit the impact of out-of-band signals from vehicle radar systems. GM and AAMA therefore suggest an out-of-band suppression requirement of 25 dB for vehicle radar systems. VORAD recommends a 40 dB attenuation requirement for harmonic emissions and a 50 dB attenuation for spurious emissions other than harmonics. HP recommends a maximum attenuation of 50 dB below the in-band power density limit proposed for vehicular radars, *i.e.*, a limit on spurious emissions of 350 pW/cm^2 at 3 meters, to be applied to all millimeter wave transmitters. However, in its reply comments HP supported a more relaxed spurious emission power density limit of 35 nW/cm^2 at 3 meters for spurious emissions that fall within the licensed frequency bands.

⁴⁹ Notice, at para. 41.

⁵⁰ These suppression limits are based on the in-band power density levels proposed in the Notice: 200 nW/cm^2 at 3 meters and $30 \text{ } \mu\text{W/cm}^2$ at 3 meters. At the in-band power density level being adopted for general operation in the 60 GHz band, $9 \text{ } \mu\text{W/cm}^2$ at 3 meters, this attenuation requirement would be 66 dB. At the power density limit being adopted in this proceeding for forward-looking vehicle radar systems, $60 \text{ } \mu\text{W/cm}^2$ at 3 meters, this attenuation would be 75 dB.

⁵¹ See 47 CFR Section 15.209.

⁵² Comments of AAMA, Epsilon Lambda, GM, HP, HCP, CORF, NTIA and VORAD.

45. NTIA expresses concern about relaxing the proposed out-of-band emission limit for vehicle radar systems operating at 46.7-46.9 GHz.⁵³ NTIA states that there is a potential for second and third harmonic emissions from transmitters operating in the band 46.7-46.9 GHz to interfere with present and future Government operations near 94 GHz and 140 GHz.⁵⁴ Thus, NTIA requests that the proposed out-of-band emission limit of 2 pW/cm², measured at 3 meters, be adopted.

46. In establishing limits for out-of-band emissions, we must particularly consider where harmonics of the transmitted signals will fall as well as adjacent frequencies. All transmitting devices generate some level of energy on harmonic frequencies and in frequency bands immediately adjacent to the operating frequency. Based on consideration of the current and expected future use of the harmonic bands and NTIA's comments, we do not believe that the limit on the power density of spurious emissions from vehicular radar systems operating in the 46.7-46.9 GHz band should be relaxed from our proposal of 2 pW/cm² at 3 meters. The 94 GHz band is employed for radio astronomy, U.S. Government passive imaging and Department of Defense classified applications. The 140 GHz band is used for radio astronomy and Government military passive imaging. The 94 GHz and the 140 GHz bands share many potential uses since these bands are in the only two atmospheric transmission windows between 60 and 300 GHz.⁵⁵ In particular, we note 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.⁵⁶ The resolution capabilities of passive imaging systems in the harmonic bands are directly related to the amount of RF signal noise in the band. Thus, if we permit excessive spurious emissions to be generated by millimeter wave products, the usefulness of these bands will be degraded for passive imaging and other possible functions.⁵⁷ While we appreciate GM's arguments for relaxing the out-of-band limits for

⁵³ See letter from Richard D. Parlow to Richard M. Smith, dated November 2, 1995.

⁵⁴ NTIA also expresses concern about potential interference from third harmonic emissions from vehicle radar systems operating in the 76-77 GHz band. Because the initial Notice did not propose out-of-band emission limits above 200 GHz, we are proposing, in the Second Notice of Proposed Rule Making section of this document, to limit the third harmonic emissions from transmitters operating in the 76-77 GHz band.

⁵⁵ The reference to atmospheric transmission windows refers to bands within which the attenuation due to dry air is minimized. In dry air, the atmospheric attenuation in these bands is less than 0.04 dB/km. These bands are still affected by moisture levels in the air, especially the band at 140 GHz.

⁵⁶ A future application for these bands could be passive imaging systems used as aircraft landing aids in adverse weather conditions.

vehicle radar systems, we do not agree that directional antennas and the use of vehicle radar systems on highways will be sufficient to eliminate interference to airborne passive sensors.

47. We understand that this decision may have an adverse economic impact on the manufacturers of vehicle radars for the 46.7-46.9 GHz band, but believe in this early stage of development of the millimeter wave bands that we should err on the side of caution. We would be willing to reconsider this spurious emission limit if manufacturers of vehicle radar equipment can demonstrate, in collaboration with the manufacturers of equipment operating on harmonically-related frequencies, a low probability of interference, e.g., based on angular distribution and susceptibility of the sensor to off-axis signals.

48. The harmonic emissions from the 59-64 GHz general use band and the 76-77 GHz vehicle radar band fall mainly within other bands being considered for unlicensed millimeter wave devices.⁵⁸ Given that unlicensed devices generally require less interference protection, we concur with the commenters that the limit on spurious emissions from transmitters operating in the 59-64 GHz and 76-77 GHz bands can be relaxed. We are adopting the limit suggested by HP, 50 dB below the highest permitted power density level.⁵⁹ While we understand this suppression requirement is more rigorous than what was proposed by GM and others for vehicle radar use, we believe such suppression is needed to avoid interference to other millimeter wave operations. Examples of frequency bands that could experience interference problems if spurious emissions are not sufficiently suppressed include: 1) the proposed unlicensed and licensed bands at 122-123 GHz, 126-127 GHz, and 152-153 GHz which are harmonically related to the 59-64 GHz and 76-77 GHz transmissions; 2) radio astronomy operations at 182-185 GHz which is at the third harmonic of 59-64 GHz transmissions; 3) radio astronomy operations in nearby millimeter wave bands including 58.2-59 GHz, 64-65 GHz, 86-92 GHz; and, 4) other millimeter wave bands currently being used by the Government. As good engineering practice, we are also requiring that the spurious emissions may not exceed the level of the fundamental emission.

⁵⁷ Current designs of passive imaging systems employing a 4 GHz bandwidth have a noise threshold of about -103 dBW. At this sensitivity, a single transmitter operating at the spurious emission power density limit proposed in the Notice, 2 pW/cm² at 3 meters, could cause interference at a distance of about 600 meters. Since passive imaging systems may be employed in aircraft, additional attenuation of the spurious emissions due to intervening objects may not occur.

⁵⁸ As indicated in footnote 58, NTIA is concerned about emissions from the third harmonic of vehicle radar systems operating in the 76-77 GHz band. This issue is being addressed in the Second Notice of Proposed Rule Making section of this document.

⁵⁹ At this suppression level, the limit on the power density for spurious emissions from transmitters operating in the 59-64 GHz band is 90 pW/cm² at 3 meters; the limit on the power density for spurious emissions from forward-looking vehicle radar systems in the 76-77 GHz band is 600 pW/cm² at 3 meters; and, the limit on the power density for spurious emissions from side-looking and rear-looking vehicle radar systems in the 76-77 GHz band is 300 pW/cm² at 3 meters.

49. We are also adopting our proposal from the Notice to require that emissions from millimeter wave devices that appear below 40 GHz comply with the general limits in 47 CFR Section 15.209. Our proposal to apply these limits to radiated emissions below 47.2 GHz was based on the premise that unlicensed millimeter wave operation would be conducted at frequencies above 47.5 GHz. However, in this proceeding we are establishing Part 15 operation at 46.7-46.9 GHz. We may also, in the future, enable use of additional millimeter wave frequency bands below 46.7 GHz. Accordingly, we are revising our proposal to require that emissions below 40 GHz comply with the limits in 47 CFR Section 15.209.

50. Measurement Requirements. In the Notice, we proposed to extend the frequency range over which emissions must be measured to the 5th harmonic of the fundamental emission or to 100 GHz, whichever is less, for transmitters operating between 10 GHz and 30 GHz. For transmitters operating above 30 GHz, we proposed to require that radiated emissions be measured up to the 5th harmonic or to 200 GHz, whichever is the lower frequency. We also proposed to apply, at least initially, the general Part 15 measurement procedures contained in 47 CFR Sections 15.31, 15.33 and 15.35 of the regulations. Comments were invited on more specific measurement procedures that could apply to millimeter wave applications. Further, we requested comments on the use of instrumentation using an average detector to measure emissions from millimeter wave devices, as currently specified in the rules for emissions above 1000 MHz, and the use of a 1 MHz resolution bandwidth for the measurement instrument.⁶⁰

51. A number of comments suggest lowering the upper frequency range over which radiated emissions are to be measured. HP suggests that the upper frequency limit for transmitters operating above 30 GHz be limited to 170 GHz since the Commission has not proposed services that would operate above this frequency and this frequency is the edge of a standard waveguide band.⁶¹ HCP states that 153 GHz will be the highest frequency band actually used for some time and, because of the difficulty in measuring emissions above 160 GHz, recommends an upper limit of 160 GHz. Epsilon Lambda states that, for transmitters operating above 30 GHz, measurements to the third harmonic, not to exceed 150 GHz, are adequate. For transmitters operating between 10 GHz and 30 GHz, HP states that we should extend the range over which radiated measurements are made up to 110 GHz which is also at the edge of another standard waveguide band. Epsilon Lambda indicates that for Part 15 transmitters in the 10 to 30 GHz range, measurements to the third harmonic are adequate. Southwest Microwave also suggests only testing the spectrum through the third harmonic for transmitters operating in the 10 to 30 GHz range, stating that if the transmitter meets the limits through the third harmonic there is a high probability that the fourth and fifth harmonics will be within the limits.

⁶⁰ See 47 CFR Section 15.35. This section also contains a limit on peak emission levels that apply in addition to the average limits.

⁶¹ HP, in Appendix C of its comments, supplies a list of the frequency ranges covered by different waveguide bands. HP indicates that most measurement equipment will couple to free space through standard hardware available for these bands. These frequency ranges extend up to 220 GHz.

52. Epsilon Lambda, GM and VORAD state that the measurement practices for lower frequencies already contained in the regulations should be used for measuring emissions at frequencies above 40 GHz as well. However, HCP states that we should indicate that the power density limits apply to values measured in the far-field, and that such far-field measurements should be interpolated to the specified limit distance using an inverse-distance-squared conversion formula.⁶² HCP requests that these far-field results supersede measurements actually taken at 3 meters when this distance is in the near field.⁶³ HP agrees that measuring power density 3 meters from a radiator could lead to ambiguous results, depending on whether 3 meters is in the near-field or far-field region of the radiator. AAMA supports HP's recommendations that measurements be made only in the far-field and that the emission level should be adjusted if the far-field region exceeds three meters. In addition, because of the difficulties encountered in making measurements above 40 GHz, GM indicates that measurements should be limited to the specific frequencies where radiated emissions can be expected, basing these measurements only on the frequencies in the millimeter wave generating circuits.⁶⁴ GM adds that a 76 GHz vehicle radar directly generates its signal at 76 GHz, so that only two regions above 40 GHz would need to be measured: the band edges at 76 GHz and 77 GHz and the second harmonic at 152 GHz. GM also requests that we allow the connection of the transmitter and antenna directly to the test equipment in order to decrease testing costs, using separate transmitter measurements and antenna data when practical. Southwest Microwave also suggests that we permit taking measurements at the transmitter output and correcting for the appropriate antenna gain.

53. There were relatively few comments regarding the use of average or peak detectors or our proposal to employ a 1 MHz resolution bandwidth for the measurement instrument.⁶⁵ AAMA and GM request that we specify average and peak power density limits differing by 7 dB.

⁶² Southwest Microwave indicates that the near-field can extend over 80 meters.

⁶³ At these frequencies, the dividing line between the near field and the far field is generally taken to be $(2d^2/\lambda)$ where "d" is the length or diameter of the antenna and λ is the wavelength of the signal. Emissions in the far field generally attenuate based on an inverse-distance-squared relationship. Thus, when a signal level is known at one distance, the signal level at a different distance can be readily calculated. However, emissions in the near field do not behave in as predictable a fashion. Indeed, in the near field it is possible to make measurements that show a lower signal level than what would be measured at a greater distance.

⁶⁴ GM comments at 29 and 31.

⁶⁵ The proposal regarding the use of average or peak detectors and the associated power density emission limits may have been confusing in the Notice. While we specifically proposed the limits as peak limits in the text, the appendix containing the rules referenced the same limits as average limits with, based on 47 CFR Section 15.35, a peak-to-average limit of 20 dB. See Notice, at paras. 38 and 47.

HP requests that the limits be based on the use of an average detector, adding that if the power is measured with a frequency selective instrument, then power should be defined as the sum of all frequency components contained within the legal band. Most of the comments discussing potential interference did not differentiate between peak and average limits.

54. In considering the range over which emissions should be measured, we first note that there are several Government radio operations already established above 40 GHz that must be protected from harmful interference. In addition to passive Government operations in the 94 GHz and 140 GHz bands discussed earlier, there are radio astronomy bands at throughout the millimeter wave spectrum that could be susceptible to harmful interference, including bands at 182-185 GHz and 217-231 GHz that could be susceptible to interference from the third harmonics of transmitters operating in the 59-64 GHz and 76-77 GHz bands, respectively. While Southwest Microwave indicates that transmitters complying with the 2nd and 3rd harmonic limits have a high probability of also complying at the 4th and 5th harmonics, our experience with measurement of transmitting devices operating in lower frequency bands indicates that this is not always the case. A number of factors, including antenna gain which can vary by frequency, can affect such emissions. No party has provided information to show that such emissions behave differently at millimeter wave frequencies. We therefore continue to believe that our original proposals are appropriate. Accordingly, we are requiring that emissions from transmitters operating above 10 GHz and below 30 GHz be measured to the fifth harmonic of the highest operating frequency or to 100 GHz, whichever is lower. We are also requiring that emissions from transmitters operating above 30 GHz be measured to the fifth harmonic of the highest operating frequency or to 200 GHz, whichever is lower.⁶⁶

55. Except for amending the correction factor applied to measurements taken at a distance other than what is specified in the rules, we agree with Epsilon Lambda, GM and VORAD that the measurement practices already contained in the regulations for frequencies below 40 GHz should be retained. We agree with the comments regarding the problems that could occur if measurements are taken in the near-field and note that there already is a provision in Section 15.31(f) of our rules dealing with measurements in the near-field.⁶⁷ We will, however, amend the rules to clarify that measurements above 40 GHz, when taken at greater distances to avoid making measurements in the near field, may be interpolated to the specified distance using an inverse distance squared correction factor.⁶⁸

⁶⁶ As discussed earlier, we are also proposing in the Second Notice of Proposed Rule Making portion of this document to extend the upper limit of this measurement range to 231 GHz.

⁶⁷ See 47 CFR Section 15.31(f).

⁶⁸ In the Notice, we indicated that the proposed technical standards and measurement procedures might be altered upon final adoption. See Notice, at paras. 31 and 44 and notes 19 and 43.

56. We do not agree with GM's position that we should require that emissions be measured only at specific frequencies. If a steady-state carrier is employed, it is likely that only the frequency ranges indicated by GM need to be investigated. However, if other types of modulation are used, e.g., swept frequency FM or spread spectrum, it may be necessary to check additional frequency bands. We note that the spurious emissions produced by a transmitter are dependent on the type of modulation employed. If our rules indicate that emissions are to be measured only at specific frequencies, transmission systems could be manufactured that produce emissions exceeding our limits in other frequency bands, resulting in potential interference to other radio systems. Thus, we are not amending the regulations to limit the frequency bands where millimeter wave emissions are to be measured. Manufacturers are welcome to present specific arguments regarding the frequency bands over which emissions should be investigated at the time the application for certification is submitted.

57. We agree with GM and Southwest Microwave that the measurement of conducted emissions above 40 GHz could accurately portray the radiated RF fields, provided the antenna characteristics can be accurately determined. However, we note that it is not always possible to obtain accurate antenna characteristics, especially at the frequencies of spurious emissions. Accordingly, we will permit conducted measurements to be employed in order to facilitate measurements. However, in cases of dispute we will rely on radiated measurement data to determine compliance. We note that radiated measurements are required for emissions below 40 GHz. Such measurements are necessary to ensure that emissions produced by incorporated digital circuitry and other lower frequency components are sufficiently attenuated so as not to become a source of harmful interference to lower frequency radio services.

58. We also agree with AAMA, GM and HP that emission limits above 40 GHz should be based on the use of measurement instrumentation employing an average detector. We note that the RF safety standards are based primarily on average RF levels. Accordingly, we are specifying the power density limits adopted in this proceeding as average limits to be measured using average detectors. We are concerned, however, that the use of certain modulation techniques and duty cycles could result in extremely high peak to average ratios which could cause interference to other systems. Further, high peak levels can have an effect on compliance with the RF safety hazards. We therefore are retaining our existing requirement in 47 CFR Section 15.35(b) that peak level emissions shall not exceed the maximum permitted average limits by more than 20 dB. We are also adopting our proposal to employ a 1 MHz resolution bandwidth for the measurement instrument.

59. Frequency Stability. In the Notice, we proposed to require that the fundamental emissions of millimeter wave devices must be contained within the frequency bands specified during all conditions of operation over the temperature range of -20 to +50 degrees Celsius with an input voltage variation of 85% to 115% of the rated voltage. Epsilon Lambda, HCP, and VORAD address this issue; all three support our proposal. We note that microwave transmitters, including millimeter wave devices, generally are more susceptible to changes in operating frequency due to fluctuations in temperature or voltage than are transmitters operating at lower frequencies. Accordingly, we are adopting the frequency stability requirements as proposed.

SECOND NOTICE OF PROPOSED RULE MAKING

60. In the Second Notice of Proposed Rule Making, we address three proposals: 1) restricting temporarily amateur use of the 76-77 GHz band while also giving amateurs co-primary status in the 77.5-78 GHz band; 2) requesting standards on spectrum etiquette techniques that should be implemented for general unlicensed operation in the 59-64 GHz band; and, 3) establishing limits on the emissions from transmitters falling in the 200-231 GHz band.

61. Amateur Services. We recognize that amateurs would like to maintain their access to the 76-77 GHz band.⁶⁹ However, as discussed above, we believe that it is important that we protect vehicle radar systems from potential interference by restricting use of the 76-77 GHz band to such systems until sharing criteria can be established. Given the limited use of the 76-77 GHz band by amateurs and the availability of the 75.5-76.0 GHz and 77-81 GHz bands for amateur use, we believe that such a modification of our rules will not significantly harm amateur services. We also believe that any inconvenience to amateurs from restricting amateur use of the 76-77 GHz band will be minor and is outweighed by the potential interference problems and related safety concerns noted in the comments. We further believe that such a restriction would be appropriate until such time as it is established that the amateur operators will not cause interference to vehicle radar systems that would compromise public safety. Accordingly, we propose to amend Part 97 of our rules to temporarily disallow amateur use of the 76-77 GHz band. This restriction could be removed at a future time if we are convinced by the material submitted for the record that the safety of vehicle radar systems will not be compromised from other in-band transmissions or if we receive specific sharing recommendation guidelines that do not compromise safety. We intend to revisit within five years the issue of whether the 76-77 GHz band can be shared with amateur radio operators or other users. If it were to become apparent that particular types of radio services or devices will not interfere with vehicle radar systems or if adequate sharing criteria can be established, the restriction can be relaxed.

62. Although we do not believe that any significant harm will be caused to the Amateur Radio Service operators by disallowing their use of the 76-77 GHz band, we are also proposing to amend Part 2 of our rules to upgrade the status of the Amateur Radio Service in the 77.5-78 GHz band from secondary to co-primary with the Government and non-Government radiolocation services. This will ensure that amateur access to spectrum near 77 GHz is maintained without the threat of preemption by higher priority services. We believe that these proposals balance the need to protect vehicle radar systems from interference with the our desire to foster amateur experimentation using millimeter wave technology.

63. Spectrum Etiquette. In the comments, Apple, AT&T, HP, HCP, Sun Microsystems Computer Company, and Tetherless Access Ltd. recommend that we undertake the establishment of a spectrum etiquette to protect against interference between general unlicensed devices. They

⁶⁹ According to the ARRL's comments, amateur use of the 76-77 GHz band is not significant at the present time.

also request that we direct industry to form an working group to design such an etiquette for the general unlicensed millimeter wave band, and to demonstrate its efficacy to the Commission.⁷⁰

64. In general, we have not required spectrum etiquettes for unlicensed transmitters, believing that they were unnecessary and could restrict the development of new technology. However, in adopting rules for unlicensed Personal Communications Services (PCS) devices, we did require a spectrum etiquette to ensure that the spectrum is used more effectively and efficiently.⁷¹ It is not clear at this time that such an etiquette is necessary for the 59-64 GHz band. However, recognizing the desires of the commenting parties to consider implementing a system etiquette requirement in the rules, we are delaying our implementation of the rules permitting unlicensed use of the 59-64 GHz band for one year to permit industry to develop the standards.⁷² Accordingly, we request comments on the need for a spectrum etiquette standard to prevent interference among unlicensed 59-64 GHz devices, analogous to the standard used for unlicensed PCS under Part 15 of our rules, and specific proposals for such standards.⁷³ We also request comments on whether, if we adopt a spectrum etiquette standard for the 59-64 GHz band, it might also be desirable to allow the use of other etiquettes under conditions where the devices would not be likely to interfere with equipment employing the adopted etiquette standard. Interested parties are urged to work together to develop a proposal for a spectrum etiquette standard for the 59-64 GHz band. However, commenters should note that we do not intend to delay implementation of the 59-64 GHz band for an extensive period of time. If industry can agree to a specific spectrum etiquette standard within the one year provided for this purpose, we will provide an additional delay of the rules permitting unlicensed use of the 59-64 GHz band to implement the spectrum etiquette standard through a subsequent Notice of Proposed Rule Making. If, however, industry can not agree upon a specific standard or if comments indicate that such an etiquette is inappropriate, we intend to implement the standards adopted herein without a spectrum etiquette standard.

⁷⁰ See Letter from Apple, HCP, AT&T, Sun Microsystems Computer Company, HP, and Tetherless Access Ltd. dated August 7, 1995.

⁷¹ See Second Report and Order in GEN Docket No. 90-314, 8 FCC Rcd 7700 (1993). See, also, Memorandum Opinion and Order in GEN Docket No. 90-314, 9 FCC Rcd 5947 (1994).

⁷² We note that systems designed to operate at the maximum power density level for 59-64 GHz devices would normally employ directional antennas with narrow beamwidths, limiting the area over which interference could be caused. In addition, the low operating power of general unlicensed devices will reduce transmission range, permitting a higher concentration of transmitters to be located in a geographical area while also reducing the potential for interference. Thus, it appears that the major potential for harmful interference will be intra-system. Large concentrations of 59-64 GHz transmitters would likely be part of a commercial/industrial system that is professionally installed and engineered to function as a system. Accordingly, manufacturers might wish to design their own spectrum etiquette approaches to prevent interference within these systems.

⁷³ See 47 CFR 15.321 and 15.323.

65. Emissions Above 200 GHz. Finally, we are concerned about potential harmful interference to radio astronomy operations in the band 217-231 GHz.⁷⁴ In the Notice in this proceeding, we only proposed to specify out-of-band limits, and require the measurement of emissions, up to 200 GHz. Thus, further notice and opportunity for comment is necessary before emission limits above 200 GHz can be implemented.⁷⁵ We therefore are proposing to apply a power density limit of 1000 pW/cm² at 3 meters to emissions between 200 GHz and 231 GHz. This is the limit recommended by NTIA to prevent interference to radio astronomy operations in the 217-231 GHz band.⁷⁶ We recognize that this proposal may impose additional costs, especially on the manufacturers of vehicle radars in the 76-77 GHz band, but believe in this early stage of development of the millimeter wave bands that we should err on the side of caution. We invite comments on the application of this proposed spurious emission limit for all millimeter wave systems. We also request comments on whether the limits on spurious emissions should be extended only to cover the radio astronomy band at 217-231 GHz instead of the entire 200-231 GHz band. In addition, comments are requested on whether emission limits above 200 GHz should apply to all millimeter wave transmitters or only to vehicle radar systems operating in the 76-77 GHz band since the third harmonic of 76-77 GHz vehicle radar systems falls within 228-231 GHz. Finally, we request comments on whether it might be possible, instead, to allow vehicle radar manufacturers to avoid such limits by demonstrating, in collaboration with NTIA and radio astronomy users, that there would be a low probability of interference because of the angular distribution of the vehicle radar system and the susceptibility of radio astronomy equipment to off-axis signals.

PROCEDURAL MATTERS

66. This is a non-restricted notice and comment rule making proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. See generally 47 CFR Sections 1.1202, 1.1203, and 1.1206(a).

67. Regulatory Flexibility Analysis. The Final Regulatory Flexibility Analysis for the Report and Order, required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 608, is contained in Appendix A. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in the Second Notice of Proposed Rule Making. The IRFA is

⁷⁴ The third harmonic of transmitters operating in the 76-77 GHz band falls within the band 228-231 GHz. Further, we note that the third order harmonic can be particularly high in amplitude, depending on the design of the equipment.

⁷⁵ See 5 USC 553.

⁷⁶ See letter of November 2, 1995, from Richard D. Parlow of NTIA to Richard M. Smith.

set forth in Appendix B. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Second Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq* (1981).

68. Initial Paperwork Reduction Act of 1995 Analysis. This Report and Order and Second Notice of Proposed Rule Making contains either a proposed or modified information collection. As part of its continuing effort to reduce paperwork burdens, we invite the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13. Public and agency comments are due at the same time as other comments on this NPRM; OMB comments are due 60 days from date of publication of this NPRM in the Federal Register. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and, (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

69. Comment Dates. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. Sections 1.415 and 1.419, interested parties may file comment on the Second Notice of Proposed Rule Making on or before **[insert date 60 days from date of publication in the Federal Register]** and reply comments on or before **[insert date 90 days from date of publication in the Federal Register]**. To file formally in this proceeding, you must file an original and five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. You may also file comments electronically via the Internet at mmwaves@fcc.gov. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center of the Federal Communications Commission, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. Written comments by the public on the proposed and/or modified information collections are due **[insert date 60 days from date of publication in the Federal Register]**. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before **[insert date 60 days from date of publication in the Federal Register]**. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to

dconway@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 - 17th Street, N.W., Washington, DC 20503 or via the Internet to fain_t@al.eop.gov.

ORDERING CLAUSES

70. IT IS ORDERED that Parts 2 and 15 of the Commission's Rules and Regulations ARE AMENDED as specified in Appendix D, effective 30 days after publication in the Federal Register and upon clearance from the Office of Management and Budget on the information collection requirements, whichever is the later date. Authority for issuance of this Report and Order and Second Notice of Proposed Rule Making is contained in Sections 4(i), 301, 302, 303(e), 303(f), 303(g), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), 303(g), 303(r), 304 and 307.

71. For further information regarding this proceeding, please send an electronic mail message via the Internet to mmwaves@fcc.gov, or 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.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

APPENDIX A

FINAL REGULATORY FLEXIBILITY ANALYSIS FOR R&O

1. Need and purpose of this action: This Report and Order makes available the frequency bands 46.7-46.9 GHz and 76-77 GHz for unlicensed operation under Part 15 for use as vehicle radar systems. This order also makes available the band 59-64 GHz for general purpose unlicensed operation under Part 15.
2. Summary of the issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis: There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.
3. Significant alternatives considered: In general, the commenters in this proceeding supported establishing the described spectrum for vehicle radars and for general purpose applications. While the Notice of Proposed Rule Making proposed to make the band 47.2-47.4 GHz available for vehicle radar systems, the comments persuaded us to move this frequency band to 46.7-46.9 GHz. Other commenters suggested alternative uses for the 59-64 GHz band, including licensed, high-power applications. However, these suggestions were denied in order to provide sufficient bandwidth to support extremely high speed data distribution systems that could be operated without the need to obtain a license from the Commission. Finally, while several other frequency bands were also proposed in this proceeding, action on these other proposals is being delayed to permit operations that generated the greatest interest at the earliest possible time. Based on its analysis of the comments in this proceeding, the Commission determined that the action taken in this Report and Order would provide the most beneficial use of the spectrum under consideration.

APPENDIX B

INITIAL REGULATORY FLEXIBILITY ANALYSIS FOR 2ND NPRM

Reason for Action

This rule making proceeding is initiated to obtain comment regarding proposed changes to the regulations for temporarily restricting amateur use of the 76-77 GHz band, giving amateurs co-primary status in the 77.5-78 GHz band, requesting standards on spectrum etiquette techniques that should be implemented for general unlicensed operation in the 59-64 GHz band, and establishing a limit on spurious emissions from millimeter wave transmitters in the 200-231 GHz band.

Objectives

The Commission seeks to determine if the standards should be amended to minimize interference to vehicle radar systems and to minimize interference from vehicle radar systems to radio astronomy and other operations. We also seek to determine spectrum etiquette techniques that should be employed to minimize interference between transmission systems operating in the 59-64 GHz band.

Legal Basis

The proposed action is authorized under Sections 4(i), 301, 302, 303(e), 303(f), 303(g), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), 303(g), 303(r), 304 and 307.

Reporting, Recordkeeping and Other Compliance Requirements

Radio astronomy operations in the band 217-231 GHz are currently protected from harmful interference in accordance with U.S. Footnotes US74 and US246, as described in 47 CFR Sections 2.105 and 2.106. There is concern that the third harmonic spurious emissions from transmitters operating in the band 76-77 GHz may cause interference to these radio astronomy operations. Thus, we propose to limit the level of emissions between 200-231 GHz. We also propose to establish spectrum etiquette techniques to would apply to, and minimize interference between, systems operating in the band 59-64 GHz. Measurements of these emission levels and spectrum etiquette techniques would be reported to the Commission as part of the normal equipment authorization process under our certification procedure.

Federal Rules Which Overlap, Duplicate or Conflict With These Rules

None.

Description, Potential Impact and Number of Small Entities Involved

The technology to permit operation in these high frequency bands is immature at the present time. It may be some time before this technology reaches a point under which products can be economically produced so as to achieve any substantial consumer demand. Thus, no estimate is available on the potential number of manufacturers that could be impacted from these rules. We expect that most of the automotive industry will become involved in the manufacture of transmitters in the 76-77 GHz band. We also expect that several manufacturers eventually will become involved in the manufacture of transmitters in the 59-64 GHz band for high speed computer-to-computer transmission systems. Finally, we recognize that the temporary elimination of the 76-77 GHz band for amateur use could cause some impact. However, at the present time the amount of amateur usage in this band is extremely light. In addition, we propose to offset any perceived harm to the amateur operators that would occur from the removal of this spectrum by providing amateur operators with a co-primary status in the band 77.5-78 GHz.

Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with Stated Objectives

None.

APPENDIX C: RESPONDENTS**Comments in ET Docket No. 94-124**

Alcatel Network Systems, Inc. (ANS)
American Automobile Manufacturers Association (AAMA)
American Council on Education, American Association of Community Colleges,
California State University, Sacramento, Education Network of Maine, State of
Wisconsin Educational Communications Board, and University of Wisconsin System
(Educational Parties)
American Radio Relay League, Inc. (ARRL)
Apple Computer, Inc. (Apple)
Association for Promotion of Millimeter-Wave Development and Utilization (APMDU)
AT&T Corp. (AT&T)
Avant-Garde Telecommunications, Inc.
CellularVision
Clarendon Foundation (Clarendon)
ComTech Associates, Inc. (ComTech)
Endgate Technology Corporation
Epsilon Lambda Electronics Corp. (Epsilon Lambda)
Fujitsu Limited
Fujitsu Ten Limited
GE American Communications, Inc.
General Motors Corporation and GM Hughes Electronics (GM)
General Motors Corporation, North American Operations
GHz Equipment Co., Inc. (GEC)
Harris Corporation-Farion Division (Harris)
Hewlett-Packard Co. (HP)
Honda R&D Ltd. and Honda R&D North America, Inc. (Honda)
Hughes Aircraft Company, Communications Products Business Unit (HCP)
Hughes Communications Galaxy, Inc.
Lockheed Sanders, Inc.
Martin Marietta Corporation (Martin Marietta)
Metricom, Inc. (Metricom)
Millimeter Wave Advisory Group (mmWAG)
Mitsubishi Electric Corporation
National Aeronautics and Space Administration (NASA)
National Academy of Sciences, Committee on Radio Frequencies of the National
Research Council (CORF)
National Telecommunications and Information Administration (NTIA)
Pacific Bell Mobile Service and Telesis Technologies Laboratory (Pacific)
Rand McNally & Company (RMC)
Research & Development Center for Radio Systems (RCR)
Rockwell International Corporation (Rockwell)
Southwest Microwave, Inc.

Telecommunications Industry Association, Fixed Point-to-Point Communications
Section, Network Equipment Division (TIA)
Teledesic Corporation (Teledesic)
Texas Instruments, Inc.
Troy State University in Montgomery
TRW Inc. (TRW)
UTC
VORAD Safety Systems, Inc. (VORAD)

Reply Comments in ET Docket No. 94-124

AEL Industries, Inc.
Alcatel Network Systems, Inc. (ANS)
American Automobile Manufacturers Association (AAMA)
American Radio Relay League, Inc. (ARRL)
Ameritech
Apple Computer, Inc. (Apple)
Association for Promotion of Millimeter-Wave Development and Utilization (APMDU)
Association of American Railroads (AAR)
Association of America's Public Television Stations (APTS)
AT&T Corp. (AT&T)
Bell Atlantic
CellularVision
Comtech Associates, Inc. (ComTech)
Digital Microwave Corporation (DMC)
Dudley Lab
Ford Motor Company (Ford)
GE American Communications, Inc.
General Motors Corporation and GM Hughes Electronics (GM)
Harris Corporation-Farion Division (Harris)
Hewlett-Packard Co. (HP)
Hughes Aircraft Company, Communications Products Business Unit (HCP)
Hughes Communications Galaxy, Inc.
Hughes Electron Dynamics Division
Intelligent Transportation Society of America (ITS America)
M/A-COM, Inc.
mm-Tech, Inc.
Millimeter Wave Advisory Group (mmWAG)
Minority Media and Telecommunications Council (MMTC)
Motorola Satellite Communications, Inc. (Motorola)
National Aeronautics and Space Administration (NASA)
National Rural Telecommunications Cooperative (NRTC)
Pacific Telesis Enhanced Services, Pacific Bell Mobile Service, and Telesis Technology
Laboratory (Pacific)

Telecommunications Industry Association, Fixed Point-to-Point Communications
Section, Network Equipment Division (TIA)
Teledesic Corporation (Teledesic)
Texas Instruments, Inc.
Titan Information Systems Corporation
Toyota Motor Corporation (Toyota)
Troy State University in Montgomery
TRW Inc. (TRW)
UK Radiocommunications Agency
U.S. Department of Transportation, Federal Highway Administration (FHA)
Video/Phone Systems, Inc. (Video/Phone)
VORAD Safety Systems, Inc. (VORAD)
Western Cooperative for Educational Telecommunications

APPENDIX D: FINAL RULES

A. Title 47 of the Code of Federal Regulations, Part 2, is 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 columns 1, 4, 5, and 6 for the frequency bands 43.5-47.0 GHz, 59-64 GHz, 76-81 GHz, to read as follows:

Section 2.106 Table of Frequency Allocations.

* * * * *

International table			United States table		
Region 1 -- allocation GHz	Region 2 -- allocation GHz	Region 3 -- allocation GHz	Government	Non-Government	1
(1)	(2)	(3)	Allocation GHz (4)	Allocation GHz (5)	

* * * * *

43.5-45.5 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 903	43.5-45.5 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 903	43.5-45.5 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 903	43.5-45.5 FIXED-SATELLITE (Earth-to-space) MOBILE-SATELLITE (Earth-to-space) G117	43.5-45.5	
45.5-47.0 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 903	45.5-47.0 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 903	45.5-47.0 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 903	45.5-47.0 MOBILE MOBILE-SATELLITE (Earth-to-space) RADIONAVIGATION RADIONAVIGATION-SATELLITE 903	45.5-47.0 MOBILE MOBILE-SATELLITE (Earth-to-space) RADIONAVIGATION RADIONAVIGATION-SATELLITE 903	RADIO DEVI

* * * * *

International table			United States table		
Region 1 -- allocation GHz	Region 2 -- allocation GHz	Region 3 -- allocation GHz	Government	Non-Government	1
(1)	(2)	(3)	Allocation GHz (4)	Allocation GHz (5)	

* * * * *

59-64 FIXED INTER-SATELLITE MOBILE 909 RADIOLOCATION 910 911	59-64 FIXED INTER-SATELLITE MOBILE 909 RADIOLOCATION 910 911	59-64 FIXED INTER-SATELLITE MOBILE 909 RADIOLOCATION 910 911	59-64 FIXED INTER-SATELLITE MOBILE 909 RADIOLOCATION 910 911	59-64 FIXED INTER-SATELLITE MOBILE 909 RADIOLOCATION 910 911	Radio fi device
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* * * * *

76-77 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	76-77 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	76-77 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	76-77 RADIOLOCATION	76-77 RADIOLOCATION Amateur	RADIO DEVI
77-81 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	77-81 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	77-81 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	77-81 912	77-81 RADIOLOCATION Amateur Amateur-Satellite 912	Amateu

* * * * *

3. Section 2.997 is amended to read as follows:

Section 2.997 Frequency spectrum to be investigated.

(a) In all of the measurements set forth in Sections 2.991 and 2.993 of this Part, 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.

B. Title 47 of the Code of Federal Regulation, Part 15, is amended as follows:

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:

Section 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:

Section 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 below:

(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)-(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.

* * * * *

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

Section 15.35 Measurement detector functions and bandwidth.

* * * * *

(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:

Section 15.205 Restricted bands of operation.

* * * * *

(d)(4) Any equipment operated under the provisions of Section 15.253 or Section 15.255 of this Part.

* * * * *

6. A new Section 15.253 is added to read as follows:

Section 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/cm^2 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 $60 \mu\text{W}/\text{cm}^2$ 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 $30 \mu\text{W}/\text{cm}^2$ 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: $2 \text{ pW}/\text{cm}^2$ 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: $600 \text{ pW}/\text{cm}^2$ 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: $300 \text{ pW}/\text{cm}^2$ 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 Section 15.209 of this part.

(d) The provisions in Section 15.35 of this part 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 Section 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 Section 15.255 is added to read as follows:

Section 15.255 Operation within the band 59.0-64.0 GHz.

NOTE: Equipment may not be operated under the provisions of this section until a final Commission decision is reached concerning appropriate spectrum etiquette techniques.

(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 $9 \mu\text{W}/\text{cm}^2$ 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 $90 \text{ pW}/\text{cm}^2$ 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 Section 15.209 of this part.

(e) The provisions in Section 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 Section 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.

APPENDIX E - PROPOSED RULES

A. Title 47 of the Code of Federal Regulations, Part 2, is amended as follows:

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 columns 5 and 6 for the frequency band 76-81 GHz to read as follows:

Section 2.106 Table of Frequency Allocations.

* * * * *

International table			United States table	
Region 1 -- allocation GHz	Region 2 -- allocation GHz	Region 3 -- allocation GHz	Government	Non-Government
(1)	(2)	(3)	Allocation GHz (4)	Allocation GHz (5)

* * * * *

76-77 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	76-77 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	76-77 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	76-77 RADIOLOCATION	76-77 RADIOLOCATION Amateur	RADIO DEVI
77-77.5 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	77-77.5 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	77-77.5 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	77-77.5 RADIOLOCATION	77-77.5 RADIOLOCATION Amateur Amateur-Satellite	Amateu
77.5-78 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	77.5-78 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	77.5-78 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	77.5-78 RADIOLOCATION	77.5-78 RADIOLOCATION AMATEUR AMATEUR-SATELLITE	AMATI
78-81 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	78-81 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	78-81 RADIOLOCATION Amateur Amateur-Satellite Space Research (space-to-Earth)	78-81 RADIOLOCATION 912	78-81 RADIOLOCATION Amateur Amateur-Satellite 912	Amateu

* * * * *

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

Section 15.33 Frequency range of radiated measurements.

* * * * *

(a)(3) If the intentional radiator operates at or above 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 231 GHz, whichever is lower.

* * * * *

3. Section 15.253 is amended by redesignating paragraph (c)(4) as paragraph (c)(5) and by adding a new paragraph (c)(4), to read as follows:

Section 15.253 Operation within the bands 46.7-46.9 GHz and 76.0-77.0 GHz.

* * * * *

(c)(4) Above 200 GHz, the power density of any emission shall not exceed 1000 pW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

* * * * *

4. Section 15.255 is amended by revising paragraph (c) to read as follows:

Section 15.255 Operation within the band 59.0-64.0 GHz.

* * * * *

(c) The power density of any emissions outside the 59.0-64.0 GHz band shall consist solely of spurious emissions. Between 40 GHz and 200 GHz, the level of these emissions shall not exceed 90 pW/cm² at a distance of 3 meters. Above 200 GHz, the level of these emissions shall not exceed 1000 pW/cm² at a distance of 3 meters. The levels of the spurious emissions shall not exceed the level of the fundamental emission.

C. Title 47 of the Code of Federal Regulations, Part 97, is amended as follows:

PART 97 - AMATEUR RADIO SERVICE

1. The authority citation for Part 97 continues to read as follows:

AUTHORITY: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

2. Section 97.301, Authorized frequency bands, is amended by revising paragraph (a) for the wavelength band 4 mm to read as follows:

§ 97.301 Authorized frequency bands.

* * * * *

(a) * * *

Wavelength band	ITU - Region 1	ITU - Region 2	ITU - Region 3	Sharing requirements see § 97.303 (Paragraph)
* * * * *				
EHF	GHz	GHz	GHz	
*	*	*	*	*
4 mm	75.5-81.0.....	75.5-81.0.....	75.5-81.0.....	(b), (c), (h), (r).
*	*	*	*	*

* * * * *

3. Section 97.303 is amended by revising paragraphs (b), (c) and (h) and by adding a new paragraph (r), to read as follows:

§ 97.303 Frequency sharing requirements.

* * * * *

(b) No amateur station transmitting in the 1900-2000 kHz segment, the 70 cm band, the 33 cm band, the 13 cm band, the 9 cm band, the 5 cm band, the 3 cm band, the

24.05-24.25 GHz segment, the 77.0-77.5 GHz segment, the 78-81 GHz segment, the 144-149 GHz segment, and the 241-248 GHz segment shall cause harmful interference to, nor is protected from interference due to the operation of, the Government radiolocation service.

(c) No amateur station transmitting in the 1900-2000 kHz segment, the 3 cm band, the 77.0-77.5 GHz segment, the 78-81 GHz segment, the 144-149 GHz segment, and the 241-248 GHz segment shall cause harmful interference to, nor is protected from interference due to the operation of, stations in the non-Government radiolocation service.

* * * * *

(h) No amateur station transmitting in the 23 cm band, the 3 cm band, the 24.05-24.25 GHz segment, the 77-77.5 GHz segment, the 78-81 GHz segment, the 144-149 GHz segment, and the 241-248 GHz segment shall cause harmful interference to, nor is protected from interference due to the operation of, stations authorized by other nations in the radiolocation service.

* * * * *

(r) In the 4 mm band:

(1) Amateur use of the 76-77 GHz band is suspended until such time that the Commission may determine that amateur use of this band will not interfere with vehicle radar and thereby pose a safety threat.

(2) In places where the amateur service is regulated by the FCC, the 77.5-78 GHz segment is allocated to the amateur service and amateur-satellite service on a co-primary basis with the Government and non-Government radiolocation services.

