

*parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Digital Television Broadcasting.

Federal Communications Commission.

**Barbara A. Kreisman,**

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 99-14103 Filed 6-3-99; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF VETERANS AFFAIRS

### 48 CFR Parts 808, 812, 813, 852 and 853

RIN 2900-AJ16

#### VA Acquisition Regulation: Simplified Acquisition Procedures

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend the Department of Veterans Affairs Acquisition Regulation (VAAR) concerning simplified acquisition procedures. It proposes to amend VAAR provisions to conform to the Federal Acquisition Regulation, to update references and section titles, and to remove obsolete material.

**DATES:** Comments must be received on or before August 3, 1999.

**ADDRESSES:** Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AJ16." All written comments will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

**FOR FURTHER INFORMATION CONTACT:** Don Kaliher, Acquisition Policy Team (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420, telephone number (202) 273-8819.

**SUPPLEMENTARY INFORMATION:** Part 13 of the Federal Acquisition Regulation (FAR) was recently reorganized. This

document proposes to amend part 813 of the Department of Veterans Affairs Acquisition Regulation (VAAR) to correspond to the newly reorganized FAR. Part, subpart, and section titles and/or numbers are proposed to be revised as necessary to correspond to FAR changes.

This document proposes to add, at appropriate locations in the VAAR, references to Office of Management and Budget approved forms used by VA in its Integrated Funds Distribution, Control Point Activity, Accounting, and Procurement (IFCAP) system, a computerized purchasing and accounting system. In addition, it is proposed to delete an obsolete reference to VAAR section 801.670-15 that previously was removed from the VAAR.

It is proposed to redesignate 813.507 as 813.302-5 to correspond to the FAR and to revise the advice to contracting officers provided therein. Currently, the VAAR advises contracting officers to attach a copy of the clause found at 852.237-70, Contractor responsibilities, to a purchase order for services performed on Government property. It is proposed to revise this section to advise contracting officers to incorporate the referenced clause in the purchase order rather than to just attach a copy of the clause to the order. This change is necessary to ensure that the purchase order clearly shows that the clause is part of the order.

It is proposed to delete sections 808.404-1 and 808.404-3. These sections address various requirements regarding the mandatory use of FSS contracts. FSS contracts no longer provide for mandatory use, making these sections obsolete.

It is proposed to amend part 812 by adding the provision at section 852.252-1, Provisions and clauses requiring completion by the offeror or prospective contractor, to the list of provisions and clauses at section 812.301(c) for use in commercial item solicitations. The provision is set forth in full in section 852.252-1 of this proposed rule. This is necessary to inform bidders and offerors on commercial item solicitations of FAR requirements.

Instead of including the full text of provisions and clauses, the FAR at 52.102(c) allows agencies to incorporate agency approved provisions and clauses by reference, provided the contracting officer: (1) identifies all provisions and clauses that require completion by the offeror or prospective contractor; (2) specifies that the provisions and clauses must be completed by the offeror or prospective contractor and must be submitted with the quotation or offer;

and (3) identifies to the offeror or prospective contractor at least one electronic address where the full text may be accessed. This rule proposes to add section 852.102, paragraph (a), and section 852.252-1, Provisions or clauses requiring completion by the offeror or prospective contractor, to allow VA to meet the requirements of FAR 52.102(c)(1) and (c)(2) for incorporating approved provisions and clauses by reference.

Some FAR and VAAR provisions and clauses require the contracting officer to fill in needed information. If these provisions or clauses are incorporated by reference, that information would be missing from the solicitation or contract. This rule proposes to add paragraph 852.102(b) to require contracting officers to include in full text the title and the paragraph of any provision or clause that requires the contracting officer to provide information. The balance of the provision or clause may be included by reference. This will ensure that the information required by these provisions or clauses will be included in solicitations or contracts.

The FAR at 52.102(c) and 52.102(c)(3) allows agencies to incorporate agency approved provisions and clauses by reference, provided the contracting officer identifies to the offeror or prospective contractor at least one electronic address where the full text may be accessed. The FAR, at 52.252-1 and 52.252-2, provides a "fill in the blank" provision and clause, respectively, for use by contracting officers in meeting this requirement, but the FAR does not provide an electronic address where the full texts of referenced provisions and clauses may be accessed. This rule proposes to add paragraphs (c), (d), (e), and (f) of section 852.102 to ensure compliance with FAR 52.102(c) and 52.102(c)(3). Paragraphs (c) and (d) advise contracting officers to include the applicable FAR provision or clause in solicitations and contracts when 48 CFR Chapter 8 (VAAR) provisions or clauses are incorporated by reference. In addition, paragraphs (e) and (f) provide the electronic addresses where full texts of both FAR and VAAR referenced provisions and clauses may be accessed. These proposed changes are necessary to comply with FAR 52.102(c) and 52.102(c)(3).

The Secretary hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. This rule would revise the VAAR to correspond to the FAR and would have a minuscule effect, if any, on small businesses.

Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

### List of Subjects

#### 48 CFR Part 808

Government procurement, Utilities.

#### 48 CFR Parts 812, 813 and 853

Government procurement.

#### 48 CFR Part 852

Government procurement, Reporting and recordkeeping requirements.

Approved: May 21, 1999.

**Togo D. West, Jr.,**

*Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, 48 CFR Chapter 8 is proposed to be amended as follows:

### PART 808—REQUIRED SOURCES OF SUPPLIES AND SERVICES

1. The authority citation for part 808 continues to read as follows:

**Authority:** 38 U.S.C. 501 and 40 U.S.C. 486(c).

#### 808.404-1 [Removed]

2. Section 808.404-1 is removed.

#### 808.404-3 [Removed]

3. Section 808.404-3 is removed.

### PART 812—ACQUISITION OF COMMERCIAL ITEMS

4. The authority citation for part 812 continues to read as follows:

**Authority:** 38 U.S.C. 501 and 40 U.S.C. 486(c).

\* \* \* \* \*

5. In section 812.301, paragraphs (c)(13), (c)(14), and (c)(15) are redesignated as paragraphs (c)(14), (c)(15), and (c)(16), respectively; newly designated paragraph (c)(16) is revised and a new paragraph (c)(13) is added to read as follows:

#### 812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(c) \* \* \*

(13) 852.252-1, Provisions or clauses requiring completion by the offeror or prospective contractor.

\* \* \* \* \*

(16) 852.270-3, Purchase of shellfish.

\* \* \* \* \*

### PART 813—SIMPLIFIED ACQUISITION PROCEDURES

6. The part heading for part 813 is revised to read as set forth above.

7. The authority citation for part 813 is revised to read as follows:

**Authority:** 38 U.S.C. 501 and 40 U.S.C. 486(c).

7a. Subpart 813.1 is added to read as follows:

#### Subpart 813.1—Procedures

#### Subpart 813.5—[Redesignated as Subpart 813.3]

8. Subpart 813.5 is redesignated as subpart 813.3; and the subpart heading is revised to read as follows:

#### Subpart 813.3—Simplified Acquisition Methods

9. Section 813.302 and heading are added to read as follows:

#### 813.302 Purchase orders.

#### § 813.505-2 [Redesignated as 813.307]

10. Section 813.505-2 is redesignated as 813.307 and is transferred to subpart 813.3; the section heading and paragraphs (a) and (e) are revised to read as follows:

#### 813.307 Forms.

(a) VA Form 90-2138, Order for Supplies or Services, VA Form 90-2139, Order for Supplies or Services (Continuation), VA Form 90-2138-ADP, Purchase Order for Supplies or Services, and VA Form 2139-ADP, Order for Supplies and Services (Continuation), provide in one set of forms a purchase or delivery order, vendor's invoice, and receiving report. They will be used in lieu of and in the same manner as Optional Form 347, Order for Supplies or Services, Optional Form 348, Order for Supplies or Services Schedule—Continuation, and Standard Form 1449, Solicitation/Contract/Order for Commercial Items.

(e) VA Form 10-2421, Prosthetics Authorization and Invoice, will be used for indicated services not in excess of \$300.

#### 813.506-70 [Redesignated as 813.106-70]

11. Section 813.506-70 is redesignated as 813.106-70 and is transferred to the beginning of subpart 813.1; and is amended by removing "13.106c" and adding, in its place, "13.106-3".

#### § 813.507 [Redesignated as 813.302-5]

12. Section 813.507 is redesignated as 813.302-5 and is transferred to subpart 813.3 following section 813.302; and is revised to read as follows:

#### 813.302-5 Clauses.

When using VA Forms 90-2138 or 90-2138-ADP for maintenance contracts involving services performed

on Government property which have the potential for property damage and liability claims, the contracting officer shall incorporate in the purchase order the Contractor's Responsibilities clause found at 852.237-70. Applicable maintenance contracts include but are not limited to window washing, pest control and elevator maintenance.

### PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

13. The authority citation for part 852 continues to read as follows:

**Authority:** 38 U.S.C. 501 and 40 U.S.C. 486(c).

14. Section 852.102 is added to read as follows:

#### § 852.102 Incorporating provisions and clauses by reference.

(a) As authorized by FAR 52.102(c), any 48 CFR Chapter 8 (VAAR) provision and clause may be included in a solicitation or contract by reference, provided the contracting officer complies with the requirements stated in FAR 52.102(c)(1), (c)(2), and (c)(3). To ensure compliance with FAR 52.102(c)(1) and (c)(2), contracting officers shall include the provision at 852.252-1, Provisions or clauses requiring completion by the offeror or prospective contractor, in full text in a quotation, solicitation, or contract whenever a FAR or 48 CFR Chapter 8 (VAAR) provision or clause that requires completion by the offeror or prospective contractor and submittal with the quotation or offer is included by reference.

(b) For any FAR or 48 CFR Chapter 8 (VAAR) provision or clause that requires completion by the contracting officer, the contracting officer shall, as a minimum, include the title of the provision or clause and the paragraph that requires completion in full text in the solicitation and contract. The balance of the provision or clause may be included by reference.

(c) When one or more FAR or 48 CFR Chapter 8 (VAAR) provisions, or portions thereof, are included in a solicitation by reference, the solicitation shall include the provision found at FAR 52.252-1, Solicitation Provisions Incorporated by Reference.

(d) When one or more FAR or 48 CFR Chapter 8 (VAAR) clauses, or portions thereof, are included in a contract by reference, the contract shall include the clause found at FAR 52.252-2, Clauses Incorporated by Reference.

(e) When one or more FAR provisions or clauses, or portions thereof, are incorporated in a solicitation or contract

by reference, the FAR provision or clause required by paragraph (c) or (d) of this section shall include the following Internet address:

<http://www.arnet.gov/far/>

(f) When one or more 48 CFR Chapter 8 (VAAR) provisions or clauses, or portions thereof, are incorporated in a solicitation or contract by reference, the FAR provision or clause required by paragraph (c) or (d) of this section shall include the following Internet address:

<http://www.va.gov/oa&mm/vaar/>

15. Section 852.252-1 is added to read as follows:

**852.252-1 Provisions or clauses requiring completion by the offeror or prospective contractor.**

As prescribed by 852.102(a), the following provision shall be included in full text in all quotations, solicitations, or contracts that incorporate by reference any FAR or 48 CFR Chapter 8 (VAAR) provision or clause that requires completion by the offeror or prospective contractor and submittal with the quotation or offer.

**Provisions or Clauses That Require Completion by the Offeror or Prospective Contractor (Date)**

The following provisions or clauses incorporated by reference in this solicitation must be completed by the offeror or prospective contractor and submitted with the quotation or offer. Copies of these provisions or clauses are available on the Internet at the web sites provided in provision 52.252-1 or clause 52.252-2. Copies may also be obtained from the contracting officer.

[Contracting officer shall list all FAR and 48 CFR Chapter 8 (VAAR) provisions and clauses incorporated by reference that must be completed by the offeror or prospective contractor and submitted with the quotation or offer]

(End of provision)

**PART 853—FORMS**

16. The authority citation for part 853 is revised to read as follows:

**Authority:** 38 U.S.C. 501 and 40 U.S.C. 486(c).

**Subpart 853.2—Prescription of Forms**

17. Section 853.213 is revised to read as follows:

**853.213 Simplified acquisition procedures.**

The following forms are prescribed as stated in this section for use in simplified acquisition procedures, orders under existing contracts or agreements, orders from required sources of supplies and services, and orders for other supplies or services as stated in this section:

(a) VA Forms 90-2138, Order for Supplies or Services, or 90-2138-ADP, Purchase Order for Supplies or Services, shall be used as indicated in 813.307. They will be used in lieu of but similar to OF 347, Order of Supplies and Services, or SF 1449, Solicitation/Contract/Order for Commercial Items.

(b) The following forms are for use for obtaining indicated medical and dental services within the limitations prescribed in 813.307:

(1) VA Form 10-7078, Authorization and Invoice for Medical and Hospital Services.

(2) VA Form 10-7079, Request for Outpatient Medical Services.

(3) VA Form 10-2570d, Dental Record, Authorization and Invoice for Outpatient Services.

(c) VA Form 10-2511, Authority and Invoice for Travel by Ambulance or Other Hired Vehicle, will be used as prescribed in 813.307.

(d) VA Form 10-2421, Prosthetics Authorization and Invoice, will be used for indicated procurements not to exceed \$300 as prescribed in 813.307.

[FR Doc. 99-13886 Filed 6-3-99; 8:45 am]

BILLING CODE 8320-01-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants: Reopening of Comment Period on 90-day Finding and Commencement of Status Review for a Petition To List the Black-tailed Prairie Dog as Threatened**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of reopening comment period on 90-day petition finding.

**SUMMARY:** The Fish and Wildlife Service provides notice of the reopening of the comment period on the 90-day finding for a petition to list the black-tailed prairie dog (*Cynomys ludovicianus*) as a threatened species under the Endangered Species Act of 1973. As amended. The initial comment period opened on March 15, 1999 (64 FR 14424), and closed on May 24, 1999. To accommodate several requests for extensions, we are reopening the comment period for an additional 45 days.

**DATES:** To be considered in the 12-month finding for this petition, written comments and materials should be received on or before July 19, 1999.

**ADDRESSES:** Information, data, or comments concerning this petition should be submitted to the Field Supervisor., South Dakota Ecological Services Field Office, U.S. Fish and Wildlife Service, 420 South Garfield Avenue, Pierre, South Dakota 57501. The petition, finding, support data, and comments are available for public inspection, by appointment, during normal business hours, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Pete Gober, at the above address, or telephone (605) 224-8693.

**SUPPLEMENTARY INFORMATION:**

**Background**

The black-tailed prairie dog is a colonial ground squirrel and one of five species in the genus *Cynomys*, all of which occur in western North America. the black-tailed prairie dog (*C. ludovicianus*), is found in Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, northern Texas, and Canada.

On July 31, 1998, we received a petition to list the black-tailed prairie dog as a threatened species throughout its range pursuant to the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). On March 25, 1999 (64 FR 14424), we published a 90-day notice on this petition, finding that it presented substantial information indicating that listing this species may be warranted, and initiating a status review of the species.

**Public Comments Solicited**

We are soliciting information primarily on (1) population status and trends, (2) management policies and conservation plans affecting black-tailed prairie dogs, and (3) threats to the species, including those identified in the petition. The original comment period for this action expired May 24, 1999. With this notice, we reopen the comment period for an additional 45 days.

**Author:** The author of this notice is Pete Gober (see **ADDRESSES** section).

**Authority:** Authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 27, 1999.

**Terry Terrell,**

*Deputy Regional Director, Denver, Colorado.*

[FR Doc. 99-14163 Filed 6-3-99; 8:45 am]

BILLING CODE 4310-55-M