

include, but not be limited to, the following information for each channel for which they hold a license, in each EA or portion of an EA covered by their license, in order to qualify for renewal of that license. The information provided will be judged by the Commission to determine whether the licensee is providing service which rises to the level of "substantial."

\* \* \* \* \*

4. § 101.56 is amended by revising paragraphs (a)(1), (b), (d), (f), (g), (h), and (i) to read as follows:

**§ 101.56 Partitioned Services Areas (PSAs) and Disaggregated Spectrum**

(a)(1) The holder of an EA authorization to provide service pursuant to the competitive bidding process and any incumbent licensee of rectangular service areas in the 38.6–40.0 GHz band may enter into agreements with eligible parties to partition any portion of its service area as defined by the partitioner and partitionee. Alternatively, licensees may enter into agreements or contracts to disaggregate any portion of spectrum, provided acquired spectrum is disaggregated according to frequency pairs.

\* \* \* \* \*

(b) The eligibility requirements applicable to EA authorization holders also apply to those individuals and entities seeking partitioned or disaggregated spectrum authorizations.

\* \* \* \* \*

(d)(1) When any area within an EA becomes a partitioned service area, the remaining counties and geopolitical subdivision within that EA will be subsequently treated and classified as a partitioned service area.

(2) At the time an EA is partitioned, the Commission shall cancel the EA authorization initially issued and issue a partitioned service area authorization to the former EA authorization holder.

\* \* \* \* \*

(f) The duties and responsibilities imposed upon EA authorization holders in this part, apply to those licensees obtaining authorizations by partitioning or spectrum disaggregation.

(g) The build-out requirements for the partitioned service area or disaggregated spectrum shall be the same as applied to the EA authorization holder.

(h) The license term for the partitioned service area or disaggregated spectrum shall be the remainder of the period that would apply to the EA authorization holder.

(i) Licensees, except those using bidding credits in a competitive bidding procedure, shall have the authority to

partition service areas or disaggregate spectrum.

5. § 101.63 is amended by revising paragraph (a) to read as follows:

**§ 101.63 Period of construction; certification of completion of construction**

(a) Each Station, except in Local Multipoint Distribution Services and the 38.6–40.0 GHz band, authorized under this part must be in operation within 18 months from the initial date of grant.

\* \* \* \* \*

6. § 101.64 is revised to read as follows:

**§ 101.64 Service areas.**

Service areas for 38.6–40.0 GHz service are Economic Areas (EAs) as defined below. EAs are delineated by the Regional Economic Analysis Division, Bureau of Economic Analysis, U.S. Department of Commerce. The Commerce Department organizes the 50 States and the District of Columbia into 172 EAs. Additionally, there are four EA-like areas: Guam and Northern Mariana Islands; Puerto Rico and the U.S. Virgin Islands; American Samoa and the Gulf of Mexico. A total of 175 authorizations (excluding the Gulf of Mexico EA-like area) will be issued for each channel block in the 39 GHz band.

\* \* \* \* \*

7. § 101.103 is amended by revising paragraph (i)(1) to read as follows:

**§ 101.103 Frequency coordination procedures.**

\* \* \* \* \*

(i)(1) When the licensed facilities are to be operated in the band 38,600 MHz to 40,000 MHz and the facilities are located within 16 kilometers of the boundaries of an Economic Area, each licensee must complete the frequency coordination process of subsection 101.103(d) with respect to neighboring EA licensees and existing licensees within its EA service area that may be affected by its operation prior to initiating service. In addition to the technical parameters listed in subsection 101.103(d), the coordinating licensee must also provide potentially affected parties technical information related to its subchannelization plan and system geometry.

\* \* \* \* \*

8. § 101.147 is amended by revising paragraph (u)(2) to read as follows:

**§ 101.147 Frequency assignments.**

\* \* \* \* \*

(u)(2) Applications filed pursuant to Section 101.1206 shall identify any pre-existing rectangular service area authorizations that are located within, or are overlapping with, the EA for

which the license is sought, and the provisions of Section 101.103 shall apply for purposes of frequency coordination between any authorized rectangular service area(s) and EA service area(s) that are geographically adjoining and overlapping.

\* \* \* \* \*

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 98–175]

**Television Broadcasting Services, Digital Television Broadcasting Services; Buffalo, NY**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document grants a petition filed by Western New York Public Broadcasting Association, licensee of Stations WNEB-TV, Channel 17, and WNEQ-TV, Channel \*23, Buffalo, New York, and amends the Table of Allotments of Television Broadcast Stations, to reflect Channel \*17 as reserved for non-commercial educational use, and Channel 23 as nonreserved. See 63 FR 53009 (October 2, 1998). Comments in opposition filed by Grant Television, Inc., WKBW-TV Licensee, Inc., Kevin Smardz, and Coalition for Noncommercial Media are denied. The Table of Allotments of Digital Broadcast Stations for Buffalo is also amended to delete the asterisk for Digital TV Channel \*32.

**DATES:** Effective September 7, 1999.

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Mass Media Bureau, (202) 418–2130.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, MM Docket No.98–175, adopted July 19, 1999, and released on July 23, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

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

Television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### **PART 73—[AMENDED]**

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### **§ 73.606 [Amended]**

2. Section 73.606(b), the Table of Allotments, Television Broadcast Stations, under Buffalo, New York, is amended by placing an asterisk on Channel 17 and removing an asterisk from Channel \*23.

#### **§ 73.622 [Amended]**

3. Section 73.622(b), the Table of Allotments, Digital Broadcast Television Stations, under Buffalo, New York, is amended by removing the asterisk from Channel \*32.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

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#### **DEPARTMENT OF AGRICULTURE**

##### **Office of Procurement and Property Management**

##### **48 CFR Parts 413 and 453**

[AGAR Case 96-05]

RIN 0599-AA04

##### **Agriculture Acquisition Regulation; Simplified Acquisition Procedures**

**AGENCY:** Office of Procurement and Property Management, USDA.

**ACTION:** Direct final rule.

**SUMMARY:** The Department of Agriculture (USDA) is amending the Agriculture Acquisition Regulation (AGAR) to reorganize part 413, Simplified Acquisition Procedures. USDA is reorganizing part 413 to reflect the reorganization of part 13, Simplified Acquisition Procedures, of the Federal Acquisition Regulation (FAR). This amendment changes the structure, but not the substance, of AGAR part 413. **DATES:** This rule is effective October 22, 1999 without further action, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before September 22, 1999. If we receive adverse comments, the Office of Procurement and Property Management will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** Please submit any adverse comments, or a notice of intent to submit adverse comments, in writing to U.S. Department of Agriculture, Office of Procurement and Property Management, Procurement Policy Division, Stop 9303, 1400 Independence Avenue SW, Washington, DC 20250-9303.

**FOR FURTHER INFORMATION CONTACT:** Joseph J. Daragan, (202) 720-5729.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

##### **II. Procedural Requirements**

A. Executive Order Nos. 12866 and 12988

B. Regulatory Flexibility Act

C. Paperwork Reduction Act

D. Small Business Regulatory Enforcement Fairness Act

##### **III. Electronic Access Addresses**

##### **I. Background**

The AGAR implements the FAR (48 CFR chapter 1) where further implementation is needed, and supplements the FAR when coverage is needed for subject matter not covered by the FAR. USDA is amending the AGAR to reflect the reorganization of FAR Part 13, Simplified Acquisition Procedures (62 FR 64916, December 9, 1997). In this rulemaking document, USDA is amending the AGAR as a direct final rule, since the changes are non-controversial and unlikely to generate adverse comment. The changes are clerical in nature, and do not affect the public.

Rules that an agency believes are noncontroversial and unlikely to result in adverse comment may be published in the **Federal Register** as direct final rules. The Office of Procurement and Property Management published a policy statement in the **Federal Register** (63 FR 9158, February 24, 1998) to notify the public of its intent to use direct final rulemaking in appropriate circumstances.

This rule makes the following changes to the AGAR:

(a) We are revising part 413 to match the numbering structure of FAR part 13 following its revision. We are moving all material in subparts 413.1, 413.4, and 413.5 to a new subpart 413.3, Simplified Acquisition Methods.

(b) We are moving section 413.103, Policy, to section 413.301, Governmentwide commercial purchase card. We are not changing the substance of section 413.103. The new section corresponds to revised FAR section 13.301, Governmentwide commercial purchase card.

(c) We are removing the material in subpart 413.4, Imprest Fund. This subpart referred users to USDA's Departmental Regulations for additional

guidance on the use of imprest funds and third party drafts. USDA is minimizing the use of imprest funds, and no longer uses third party drafts for acquisition or payment. We determined that the material in subpart 413.4 was no longer necessary.

(d) We are moving the material in section 413.505, Purchase Order and related forms, to section 413.306, SF 44, Purchase Order-Invoice-Voucher, and section 413.307, Forms. We are not changing the substance of section 413.505. The new sections correspond to revised FAR sections 13.306, Purchase Order-Invoice-Voucher, and 13.307, Forms.

(e) We are amending section 453.213 to update a reference in that section. We are changing the reference to section 413.505-1 to read 413.307.

##### **II. Procedural Requirements**

##### **A. Executive Order Nos. 12866 and 12988**

USDA prepared a work plan for this regulation and submitted it to the Office of Management and Budget (OMB) pursuant to Executive Order No. 12866. OMB determined that the rule was not significant for the purposes of Executive Order No. 12866. Therefore, the rule has not been reviewed by OMB. USDA has reviewed this rule in accordance with Executive Order No. 12988, Civil Justice Reform. The proposed rule meets the applicable standards in section 3 of Executive Order No. 12988.

##### **B. Regulatory Flexibility Act**

USDA reviewed this rule under the Regulatory Flexibility Act, 5 U.S.C. 601-611, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. The reorganization of AGAR part 413 does not affect the way in which USDA conducts its acquisitions or otherwise interacts with the public. USDA certifies that this rule will not have a significant economic effect on a substantial number of small entities, and, therefore, no regulatory flexibility analysis has been prepared.

##### **C. Paperwork Reduction Act**

No information collection or recordkeeping requirements are imposed on the public by this rule. Accordingly no OMB clearance is required by section 350(h) of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, or OMB's implementing regulation at 5 CFR Part 1320.