

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 04-1650; MM Docket No. 02-290; RM-10527, RM-10772, RM-10773]

Radio Broadcasting Services; Beaver, UT, Coalville, UT, Dinosaur, CO, Elsinore, UT, Fort Bridger, WY, Franklin, ID, Green River, WY, Lyman, WY, Manila, UT, Monroe, UT, Nephi, UT, Preston, ID, Rangely, CO, Richfield, UT, Rock Springs, WY, Saratoga, WY, Smithfield, UT Tremonton, UT, and Wamsutter, WY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to proposals in this proceeding filed by Rural Pima Broadcasting, Millcreek Broadcasting, LLC, 3 Point Media-Franklin, LLC, Sanpete County Broadcasting Company, M. Kent 3 Point Media-Utah, LLC, this document grants multiple channels substitutions and changes of community of license in Utah, Colorado, Idaho and Wyoming. Specifically, this document substitutes Channel 248C for Channel 248C1 at Franklin, Idaho, reallots Channel 248C to Coalville, Utah, and modifies the Station KTPM license to specify operation on Channel 248C at Coalville. To replace the loss of the sole local service at Franklin, this document substitutes Channel 255C3 for Channel 256C1 at Fort Bridger, Wyoming, reallots Channel 255C3 to Franklin, Idaho, and modifies the Station KNYN license to specify operation on Channel 255C3 at Franklin. In order to replace the loss of the sole local service at Fort Bridger, this document substitutes Channel 280C for Channel 280A at Smithfield, Utah, reallots Channel 280C to Fort Bridger, and modifies the Station KGNT license to specify operation on Channel 280C at Fort Bridger. To replace the loss of the sole local service at Smithfield, this document reallots Channel 244C1 from Preston, Idaho, and modifies the Station KKEX license to specify Smithfield as the community of license. *See Supplementary Information.*

DATES: Effective July 26, 2004.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Media Bureau, (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Report and Order* in MM Docket No.02-290 adopted June 8, 2004, and released June 10, 2004. The full text of this decision is available for inspection and copying during normal

business hours in the FCC Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or www.BCPIWEB.com.

In order to accommodate the Channel 280C at Fort Bridger, this document substitutes Channel 256C for Channel 280C at Nephi, Utah, and modifies the Station KMDG license to specify operation on Channel 256C. Station KMDG changed its call sign to KUDE on December 20, 2003. Station KUDE was granted a license to specify operation on Channel 280C in lieu of Channel 280C1 at Nephi, Utah. *See* BLH-20011213ABC. This document also substitutes Channel 295C1 for vacant Channel 279C1 at Rangely, Colorado. We note that in MB Docket 02-118, Channel 257C1 was substituted for vacant Channel 279C1. *See* 67 FR 64553, published October 21, 2002. The FM Table of Allotments currently lists Channel 257C1 at Rangely, Colorado. In order to accommodate Channel 248C at Coalville, this document substitutes Channel 249C for Channel 248C at Richfield, Utah, reallots Channel 249C to Elsinore, Utah, and modifies the license of Station KLGL to specify operation on Channel 249C at Elsinore. In order to accommodate Channel 249C at Elsinore, it substitutes Channel 259A for vacant Channel 246A at Beaver, Utah, and substitutes Channel 266C1 for vacant Channel 247C1 at Dinosaur, Colorado. To accommodate the Channel 266C1 substitution at Dinosaur, it substitutes Channel 234A for vacant Channel 266A at Wamsutter, Wyoming. This document also substitutes Channel 284C for Channel 285C at Tremonton, Utah, reallots Channel 284C to Lyman, Wyoming, and modifies the Station KBNZ license to specify operation on Channel 284C at Lyman. Station KBNZ was granted a construction permit to specify operation on Channel 285C0 in lieu of Channel 285C at Tremonton, which the FM Table of Allotments currently reflects this change. *See* BLH-20030806ABI. In order to accommodate Channel 284C at Lyman, this document substitutes Channel 259C for Channel 283C at Rock Springs, Wyoming, and modifies the Station KSIT license to specify operation on Channel 259C. To accommodate Channel 259C at Rock Springs, this document substitutes Channel 250C2 for vacant Channel 259C1 at Green River, Wyoming, Channel 282C for vacant Channel 261C

at Wamsutter, Wyoming, and Channel 258A for vacant Channel 259A at Saratoga, Wyoming. *See* 67 FR 63874, October 16, 2002. The reference coordinates for the Channel 248C allotment at Coalville, Utah, are 40-55-46 and 111-00-26. The reference coordinates for the Channel 255C3 allotment at Franklin, Idaho, are 42-10-05 and 111-48-38. The reference coordinates for the Channel 280C2 allotment at Fort Bridger, Wyoming, are 41-19-00 and 110-23-01. The reference coordinates for the Channel 244C1 allotment at Smithfield, Utah, are 41-52-18 and 111-48-31. The reference coordinates for the Channel 256C allotment at Nephi, Utah, are 39-45-37 and 111-34-38. The reference coordinates for the Channel 295C1 allotment at Rangely, Colorado, are 40-05-15 and 108-48-15. The reference coordinates for the Channel 264C2 allotment at Monroe, Utah, are 38-37-21 and 112-07-29. The reference coordinates for the Channel 249C allotment at Elsinore, Utah, are 38-16-23 and 112-09-13. The reference coordinates for the Channel 259A allotment at Beaver, Utah, are 38-16-37 and 112-38-25. The reference coordinates for the Channel 266C1 allotment at Dinosaur, Colorado, are 40-14-42 and 109-00-30. The reference coordinates for the Channel 234A allotment at Wamsutter, Wyoming, are 41-40-18 and 107-58-18. The reference coordinates for the Channel 284C allotment at Lyman, Wyoming, are 40-52-34 and 110. The reference coordinates for the Channel 259C allotment at Rock Springs, Wyoming, are 41-26-00 and 109-07-02. The reference coordinates for the Channel 250C2 allotment at Green River, Wyoming, are 41-31-36 and 109-28-06. The reference coordinates for the Channel 282C allotment at Wamsutter, Wyoming, are 41-44-00 and 108-14-27. The reference coordinates for the Channel 258A allotment at Saratoga, Wyoming, are 41-27-12 and the reference coordinates for the Channel 228A allotment at Manila, Utah, are 40-59-17 and 109-43-19.

List of Subjects in 47 CFR Part 73

Radio, Radio Broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments, under Colorado, is amended by removing Channel 247C1 and by adding Channel 266C1 at Dinosaur; by removing Channel 257C1 and by adding Channel 295C1 at Rangely.

■ 3. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by removing Channel 248C1 and by adding Channel 255C3 at Franklin, and by removing Preston, Channel 244C1.

■ 4. Section 73.202(b), the Table of FM Allotments under Utah, is amended by removing Channel 246A and adding Channel 259A at Beaver; by adding Channel 248C at Coalville; by adding Elsinore, Channel 249C; by adding Manila, Channel 228A; by removing Channel 257C2 and by adding Channel 264C2 at Monroe; by removing Channel 280C1 and adding Channel 256C at Nephi; by removing Channel 248C at Richfield; by removing Channel 280A and by adding Channel 244C1 at Smithfield, and by removing Tremonton, Channel 285C0.

■ 5. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Channel 256C1 and by adding Channel 280C at Fort Bridger; by removing Channel 259C1 and adding Channel 250C2 at Green River; by adding Lyman, Channel 284C; by removing Channel 283C and adding Channel 259C at Rock Springs; by removing Channel 259A and adding Channel 258A at Saratoga; by removing Channel 266A and Channel 261C and by adding Channel 234A and Channel 282C at Wamsutter.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

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DEPARTMENT OF DEFENSE**48 CFR Parts 212 and 237**

[DFARS Case 2003-D111]

Defense Federal Acquisition Regulation Supplement; Use of FAR Part 12 for Performance-Based Contracting for Services

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove obsolete text pertaining to the use of FAR Part 12

(Acquisition of Commercial Items) procedures for performance-based contracting for services. The statutory authority upon which this text was based has expired.

EFFECTIVE DATE: June 25, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa Brooks, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0326; facsimile (703) 602-0350. Please cite DFARS Case 2003-D111.

SUPPLEMENTARY INFORMATION:**A. Background**

This final rule removes DFARS 212.102 and 237.601, which implemented Section 821 of the National Defense Authorization Act for Fiscal Year 2001 (Pub. L. 106-398). Section 821 permitted DoD to treat certain performance-based service contracts and task orders as contracts for the procurement of commercial items. The authority provided by section 821 expired on October 30, 2003, and has been superseded by the authority provided in section 1431 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-136). Section 1431 provides broader, governmentwide authority for the treatment of performance-based service contracts and task orders as contracts for the procurement of commercial items. An interim FAR rule implementing section 1431 was published in Federal Acquisition Circular 2001-24 on June 18, 2004 (69 FR 34226).

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2003-D111.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 212 and 237

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR parts 212 and 237 are amended as follows:

■ 1. The authority citation for 48 CFR parts 212 and 237 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 212—ACQUISITION OF COMMERCIAL ITEMS**Subpart 212.1—[Removed]**

■ 2. Subpart 212.1 is removed.

PART 237—SERVICE CONTRACTING**Subpart 237.6—[Removed]**

■ 3. Subpart 237.6 is removed.

[FR Doc. 04-14336 Filed 6-24-04; 8:45 am]

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DEPARTMENT OF DEFENSE**48 CFR Part 237**

[DFARS Case 2003-D107]

Defense Federal Acquisition Regulation Supplement; Firefighting Services Contracts

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 331 of the National Defense Authorization Act for Fiscal Year 2004. Section 331 provides authority for contractor performance of firefighting functions at military installations or facilities for periods of one year or less, if the functions would otherwise have to be performed by members of the armed forces who are not readily available by reason of a deployment.

DATES: *Effective date:* June 25, 2004.

Comment date: Comments on the interim rule should be submitted to the address shown below on or before August 24, 2004, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003-D107, using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.