

**Federal Register** to the Office of Management and Budget for review and approval. This NPRM does not contain collection of information as defined in the Paperwork Reduction Act and implementing regulations.

#### List of Subjects in 45 CFR Part 1302

Education of disadvantaged, Grant programs—social programs, Selection of grantees.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: November 24, 1997.

**Olivia A. Golden,**

*Assistant Secretary for Children and Families.*

For the reasons set forth in the Preamble, 45 CFR Part 1302 is proposed to be amended as follows:

1. The Authority citation for Part 1302 continues to read as follows:

**Authority:** 42 U.S.C. 9801 *et seq.*

#### PART 1302—POLICIES AND PROCEDURES FOR SELECTION, INITIAL FUNDING, AND REFUNDING OF HEAD START GRANTEES, AND FOR SELECTION OF REPLACEMENT GRANTEES

2. Section 1302.2 is amended by adding a definition for “Indian Tribe” to read as follows:

##### § 1302.2 Definitions.

\* \* \* \* \*

*Indian tribe* means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Native village described in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)) or established pursuant to such Act (43 U.S.C. 1601 *et seq.*) that is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

\* \* \* \* \*

3. A new Subpart D, containing new sections 1302.30, 1302.31, and 1302.32, is added to read as follows:

#### Subpart D—Replacement of Indian Tribal Grantees

##### § 1302.30 Procedure for identification of alternative agency.

(a) An Indian tribe whose Head Start grant has been terminated, or which has been denied refunding as a Head Start grantee, may identify an agency and request the responsible HHS official to designate such agency as an alternative agency to provide Head Start services to the tribe if:

(1) The tribe was the only agency that was receiving federal financial assistance to provide Head Start services to members of the tribe; and

(2) The tribe would be otherwise precluded from providing such services to its members because of the termination or denial of refunding.

(b)(1) The responsible HHS official, when notifying a tribal grantee of the intent to terminate financial assistance or deny its application for refunding, must notify the grantee that it may identify an agency and request that the agency serve as the alternative agency in the event that the grant is terminated or refunding denied.

(2) The tribe must identify the alternate agency to the responsible HHS official, in writing, within the time for filing an appeal under 45 CFR Part 1303.

(3) The responsible HHS official will notify the tribe, in writing, whether the alternative agency proposed by the tribe is found to be eligible for Head Start funding and capable of operating a Head Start program. If the alternative agency identified by the tribe is not an eligible agency capable of operating a Head Start program, the tribe will have 15 days from the date of the sending of the notification to that effect from the responsible HHS official to identify another agency and request that the agency be designated. The responsible HHS official will notify the tribe in writing whether the second proposed alternate agency is found to be an eligible agency capable of operating the Head Start program.

(4) If the tribe does not identify a suitable alternative agency, a replacement grantee will be designated under these regulations.

(c) If the tribe appeals a termination of financial assistance or a denial of refunding, it will, consistent with the terms of 45 CFR Part 1303, continue to be funded pending resolution of the appeal. However, the responsible HHS official and the grantee will proceed with the steps outlined in this regulation during the appeal process.

(d) If the tribe does not identify an agency and request that the agency be appointed as the alternative agency, the responsible HHS official will seek a permanent replacement grantee under these regulations.

##### § 1302.31 Requirements of alternative agency.

The agency identified by the Indian tribe must establish that it meets all requirements established by the Head Start Act and these requirements for designation as a Head Start grantee and that it is capable of conducting a Head Start program. The responsible HHS official, in deciding whether to designate the proposed agency, will analyze the capacity and experience of the agency according to the criteria

found in section 641(d) of the Head Start Act and §§ 1302.10(b) (1) through (b)(5) and 1302.11 of this part.

##### § 1302.32 Alternative agency—prohibition.

(a) No agency will be designated as the alternative agency pursuant to this Subpart if the agency includes an employee who:

(1) Served on the administrative or program staff of the Indian tribal grantee, and

(2) Was responsible for a deficiency that:

(i) Relates to the performance standards or financial management standards described in the Head Start Act; and

(ii) Was the basis for the termination or denial of refunding described in § 1302.30 of this part.

(b) The responsible HHS official shall determine whether an employee was responsible for a deficiency within the meaning and context of this section.

[FR Doc. 97-32748 Filed 12-15-97; 8:45 am]

BILLING CODE 4184-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Parts 1, 21 and 74

[MM Docket No. 97-217; DA 97-2547]

##### MDS and ITFS Two-Way Transmissions

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** In this Order Extending Time for Filing Comments and Reply Comments (“Order”), comment is sought on additional proposals for amendment of the Commission’s rules to enable Multipoint Distribution Service (“MDS”) and Instructional Television Fixed Service (“ITFS”) licensees to engage in fixed two-way transmissions. In addition, the comment period in this docket is extended in order to allow for proper consideration of the proposals.

**DATES:** Comments must be filed on or before January 8, 1998, and reply comments on or before February 9, 1998. Written comments by the public on the Initial Regulatory Flexibility Analysis are due January 8, 1998.

**ADDRESSES:** Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Jacobs, (202) 418-7066 or

Dave Roberts, (202) 418-1600, Video Services Division, Mass Media Bureau.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Order Extending Time for Filing Comments and Reply Comments*, MM Docket No. 97-217, adopted and released December 5, 1997. The full text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, N.W., Washington, D.C. 20036.

### Synopsis of Order Extending Time for Filing Comments and Reply Comments

1. This *Order* was issued in response to a request filed by the Catholic Television Network ("CTN") for a supplemental period to comment on the Commission's Notice of Proposed Rulemaking in this docket. *MDS and ITFS Two-Way Transmissions*, 62 FR 60025 (Nov. 6, 1997), as corrected, 62 FR 60750 (Nov. 12, 1997). Expressing concern that the proposed rules would create a potential for "brute force overload" interference from response stations to nearby non-co- nor adjacent channel ITFS receive sites, CTN argued that a two-way system should be implemented only if sufficient frequency separation is provided between "downstream" and "upstream" transmissions. CTN proposed to "refarm" the E, F, G and H channel groups to create a band of contiguous ITFS spectrum at 2500-2620 MHz and a band of contiguous spectrum for response transmissions at 2644-2690 MHz, making available up to 24 MHz for downstream MDS operations as a guard band. ITFS G channel licensees would be allowed to (i) consent to their channels being used as response channels, so long as they satisfy ITFS programming requirements on other system channels; (ii) request relocation of some or all of their channels to vacant or vacated ITFS frequencies, or to MDS Channels E1-2 and F1-2; or (iii) enter into a shared-time agreement with another ITFS licensee, under which both licensees could use the G channels as response channels and the partner's channels for ITFS programming requirements. CTN added that the 125 KHz channels should be reallocated to ITFS and used only as response channels. CTN suggested that its proposal would reduce harmful interference potential, encourage efficient spectrum usage, and preserve the spectrum reservation for ITFS.

2. The parties who commenced this proceeding ("Petitioners") filed a response countering that other solutions to brute force interference may be more efficient, such as rendering the response hub licensee responsible to either cure any brute force interference to protected ITFS receive sites or to cease operating the offending transceiver. Regarding CTN's proposal, Petitioners disagreed with its limits on the location of response channels, and further disagreed that refarming only should occur where the ITFS G channels licensee voluntarily agrees.

3. Given the recent submission of CTN's proposal and its potential importance to this proceeding, and the complexity of CTN's proposal and of the other issues involved in this proceeding, interested parties are afforded an additional 30 days in which to file comments and reply comments.

4. *Authority.* This *Order* is issued pursuant to authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 USC §§ 154(i) and 303(r), and §§ 0.204(b), 0.283, and 1.45 of the Commission's rules, 47 CFR 0.204(b), 0.283, and 1.45.

Federal Communications Commission.

**Roy J. Stewart,**

Chief, Mass Media Bureau.

[FR Doc. 97-32800 Filed 12-15-97; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-180; RM-9104]

### Radio Broadcasting Services; Hawthorne, WI

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document denies the petition filed by Burce F. Elving proposing the allotment of Channel 293A to Hawthorne, Wisconsin, as that community's first local service. See 62 FR 44434, August 21, 1997. Petitioner failed to provide sufficient information showing that Hawthorne meets the Commission's requirements with respect to community status for allotment purposes. The Commission also dismissed a counterproposal filed by WTRW, Incorporated seeking the allotment of Channel 293A at Superior, Wisconsin, as being technically deficient. With this action, this proceeding is terminated.

### FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 97-180, adopted November 19, 1997, and released December 5, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, 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

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 97-32708 Filed 12-15-97; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-235, RM-9187]

### Radio Broadcasting Services; Pecos and Wink, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Ronald W. Latimer requesting the reallocation of Channel 247C1 from Pecos to Wink, Texas, and the modification of Station KKLY(FM)'s construction permit to specify Wink as its community of license. Channel 247C1 can be allotted to Wink in compliance with the Commission's minimum distance separation requirements with a site restriction of 36.7 kilometers (22.8 miles) southeast. The coordinates for Channel 247C1 at Wink are 31-28-16 NL and 102-57-28 WL. Since Wink is located within 230 kilometers (199 miles) of the U.S.-Mexican border, concurrence by the Mexican government has been requested. In accordance with the provision of Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 247C1 at Wink.