

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-5, adopted June 18, 1997, and released June 27, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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 contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio 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: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Thorndale, Channel 257A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-18293 Filed 7-10-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-268; DA 97-1377]

Advanced Television Systems and Their Impact on the Existing Television Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; petitions for reconsideration.

SUMMARY: By this Order, we are clarifying our action in the Sixth Report and Order in this proceeding, which dealt with advanced television systems and their impact on the existing television service, with regard to OET Bulletin No. 69, and are providing an additional 45-day period of time for parties requesting reconsideration of

individual digital television (DTV) allotments included in the DTV Table of Allotments to submit supplemental information relating to their petitions. We are also releasing OET Bulletin No. 69 concurrent with this Order. This action will resolve concern that has arisen with regard to OET Bulletin No. 69 and will allow parties filing requests for reconsideration of individual DTV channel allotments to finalize their requests regarding changes to the DTV Table.

DATES: Supplemental filings relating to petitions for reconsideration of the Sixth Report and Order that request changes to DTV allotments are due August 22, 1997.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bruce Franca (202-418-2470) or Alan Stillwell (202-418-2470), Office of Engineering and Technology.

SUPPLEMENTARY INFORMATION:

1. By this Order, we are clarifying our action in the Sixth Report and Order, 62 FR 26684, May 14, 1997, in MM Docket No. 87-268, adopted April 3, 1997, FCC 97-115 (released April 21, 1997), with regard to OET Bulletin No. 69, and are providing an additional period of time for parties requesting reconsideration of individual allotments included in the DTV Table of Allotments to submit supplemental information relating to their petitions. We are also releasing OET Bulletin No. 69 concurrent with this Order.

2. In the Sixth Report and Order, the Commission set forth a Table of Allotments for digital TV (DTV) service, rules for initial DTV allotments, procedures for assigning DTV allotments to eligible broadcasters, and plans for spectrum recovery. A number of parties have submitted petitions for reconsideration expressing concern that OET Bulletin No. 69, which is referenced in the new DTV allotment rules as a source of guidance for evaluating DTV coverage areas, is not available and that they therefore have not been able to fully evaluate the DTV channels that were paired with existing television stations. These parties generally argue that without the technical guidance to be provided in OET Bulletin No. 69, they are unable to fully evaluate either the acceptability of the DTV allotments provided for their existing stations or the suitability of alternative channels. These parties also generally request that we provide additional time after the issuance of OET Bulletin No. 69 to evaluate their

allotments and then supplement their petitions with additional information relating to specific changes to the DTV Table.

3. OET Bulletin No. 69 provides guidance on the implementation and use of Longley-Rice methodology for evaluating DTV and NTSC coverage and interference. We wish to clarify that the technical guidance to be provided in OET Bulletin No. 69 is generally intended to be used for the purposes of preparing applications requesting facilities that do not conform to the DTV Table, petitions to amend the DTV Table, applications for new DTV stations, changes in authorized DTV service areas, and the impact of low power TV and TV translator stations on DTV service areas. In short, the purpose of OET Bulletin No. 69 is to serve as a guide for parties preparing submissions for possible actions that we might take subsequent to the development of the initial DTV Table.

4. We disagree with those parties that assert that OET Bulletin No. 69 is essential for evaluation of DTV allotments. We note that the terrain dependent Longley-Rice propagation model and the methodologies used in evaluating DTV coverage and interference in the Sixth Report and Order are well known to the broadcast industry. These methodologies were in general developed by the broadcast industry through our Advisory Committee on Advanced Television Service. As early as 1992, they were used by the Advisory Committee in evaluating the various DTV technical systems and were also used in evaluating the ATSC DTV system, a modified version of which was selected by the Commission as the DTV standard. In addition, these same methodologies were used by the Association of Maximum Service Television (MSTV), the Broadcast Caucus and many engineering consulting firms in evaluating the draft DTV Table of Allotments that was included in the 1996 Sixth Further Notice of Proposed Rule Making in this proceeding, 11 FCC Rcd 10968 (1996), and in evaluating the alternative DTV Table submitted by the broadcast industry.

5. Nonetheless, in view of the concern that has occurred with regard to OET Bulletin No. 69, we believe it is appropriate to provide parties that submitted petitions for reconsideration requesting modification of their DTV allotments a brief period of additional time to file supplemental presentations relating to those requests. We believe that a 45-day period will allow those parties sufficient time to supplement

their petitions without delaying our prompt action on the petitions for reconsideration of the Sixth Report and Order.

6. We are issuing OET Bulletin No. 69 concurrent with this Order. Interested parties are advised that this document may be revised based on any actions that the Commission may take on reconsideration.

7. Accordingly, it is ordered that, pursuant to Sections 4(i) and 303(r) or the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r) and 0.31, 0.241, 1.3, and 1.429 of the Commission's rules, 47 CFR 0.31, 0.241, 1.3, 1.429, parties that submitted petitions for reconsideration requesting modification of their DTV allotments may submit supplemental filings relating to those requests on or before August 22, 1997.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

[FR Doc. 97-17888 Filed 7-10-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE

48 CFR Parts 235, 243, and 252

[DFARS Case 97-D302]

Defense Federal Acquisition Regulation Supplement; Certification of Requests for Equitable Adjustment

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement 10 U.S.C. 2410(a), which requires contractors to certify that requests for equitable adjustment that exceed the simplified acquisition threshold are made in good faith and that the supporting data are accurate and complete.

DATES: Effective date: July 11, 1997. Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before September 9, 1997, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please

cite DFARS Case 97-D302 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule adds a clause at DFARS 252.243-7002, Certification of Requests for Equitable Adjustment, to implement 10 U.S.C. 2410(a), as amended by Section 2301 of the Federal Acquisition Streamlining Act of 1994 (FASA) Pub. L. 103-355).

A similar clause previously existed at DFARS 252.233-7000, Certification of Claims and Requests for Adjustment or Relief. The previous clause implemented 10 U.S.C. 2410e, and required contractor certification of requests for equitable adjustment as well as certification of claims and requests for relief under Public Law 85-804. Section 2301 of FASA repealed 10 U.S.C. 2410e, and the clause at 252.233-7000 was removed from the DFARS on January 17, 1997 (62 FR 2612).

B. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This interim rule amends the DFARS to fully implement 10 U.S.C. 2410(a), as amended by Section 2301 of FASA. 10 U.S.C. 2410(a) provides that a request for equitable adjustment to contract terms or requests for relief under Pub. L. 85-804, that exceeds the simplified acquisition threshold, may not be paid unless the contractor certifies that the request is made in good faith and that the supporting data are accurate and complete. Immediate publication of an interim rule is necessary to implement the requirements of 10 U.S.C. 2410(a) pertaining to requests for equitable adjustment. Requirements pertaining to requests for relief under Public Law 85-804 have been implemented in the Federal Acquisition Regulation (FAR). However, the requirements pertaining to requests for equitable adjustment apply only to Department of Defense contracts and are not implemented in the FAR.

C. Regulatory Flexibility Act

This interim rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because it is estimated that approximately 88 percent of the

contractors submitting requests for equitable adjustment between \$100,000 and \$500,000 (above the simplified acquisition threshold and below the cost or pricing data threshold) may be small businesses. Therefore, an Initial Regulatory Flexibility Analysis has been prepared and is summarized as follows: The objective of this rule is to implement 10 U.S.C. 2410(a), which requires contractors to certify that requests for equitable adjustment that exceed the simplified acquisition threshold are made in good faith and that the supporting data are accurate and complete. The primary impact of the rule relates to requests in the range of \$100,000 to \$500,000, because requests in excess of \$500,000 generally require submission of cost or pricing data and certification thereof. Historically, many of the firms requesting equitable adjustment in amounts of \$100,000 to \$500,000 have been construction contractors. It is estimated that the rule will affect approximately 330 small entities annually. Accounting skills will be necessary to provide the cost data to support the certification. There are no Federal rules that duplicate, overlap, or conflict with the rule. The rule minimizes the impact on small entities, because it only applies to requests exceeding the simplified acquisition threshold, and because the certification has been limited to that specifically required by 10 U.S.C. 2410(a).

A copy of the analysis may be obtained from the address specified herein. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 97-D302 in correspondence.

D. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*) applies because the interim rule contains new information collection requirements. Under the emergency processing provisions of 44 U.S.C. 3507(j) as implemented at 5 CFR 1320.13, the Office of Management and Budget (OMB) has granted emergency approval of the information collection requirement through August 31, 1997, under OMB Clearance Number 0704-0397. The OMB approval required under 44 U.S.C. 3507(a)(2) will be obtained prior to publication of the final rule.

1. *Comments:* Comments are invited. Particular comments are solicited on: