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Federal Communications Commission.

Douglas W. Webbink,

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

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47 CFR Part 90

[DA 95-1669]

Inter-Category Sharing of Private Mobile Radio Services in the 806-821/ 851-866 MHz Bands

AGENCY: Federal Communications
Commission.

ACTION: Notice; petitions for
reconsideration and clarification.

SUMMARY: The Wireless
Telecommunications Bureau has denied
reconsideration and/or clarification of
the Bureau's Order imposing a freeze on
the acceptance of new applications for
inter-category sharing of frequencies
allocated to the Public Safety,
Industrial/ Land Transportation and
Business Radio Services. This action
was taken because of the need to ensure
the continued availability of these
frequencies to license applicants eligible
in these service categories until the
Commission resolves the significant
spectrum allocation issues raised in PR
Docket No. 93-144 and by the Public
Safety community. This action will
maintain the integrity of the
Commission's licensing process.

EFFECTIVE DATE: August 3, 1995.

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Wireless
Telecommunications Bureau, (202) 418-
0627.

SUPPLEMENTARY INFORMATION: This is a
summary of the Wireless
Telecommunications Bureau's
Memorandum Opinion and Order, DA-
1669, adopted July 26, 1995, and
released July 28, 1995. The full text of
this Memorandum Opinion and Order is
available for inspection and copying
during normal business hours in the
Private Wireless Division, Wireless
Telecommunications Bureau, 2025 M
Street, Room 8010, Washington, D.C.
The complete text may be purchased
from the Commission's copy contractor,
International Transcription Service,
Inc., 2100 M Street, Suite 140,
Washington, D.C. 20037, telephone
(202) 857-3800. This will impose no
paperwork burden on the public.

Summary of Memorandum Opinion and Order

1. The Wireless Telecommunications
Bureau (Bureau) denied requests for
reconsideration and clarification of the
Bureau's Order (60 FR 20247 (1995))
imposing a freeze on inter-category
sharing of frequencies in the 806-821/
851-866 MHz band allocated to the
Public Safety, Industrial/Land
Transportation (I/LT), and Business
Radio (Business) Services. Petitions for
Reconsideration were filed by UTC, the
Telecommunications Association (UTC)
and, in a joint pleading, by Central and
South West Corporation, Indianapolis
Power and Light Company and Union
Electric Company (CIU). Additionally, a
Request for Clarification of the Bureau's
Order was filed by the Industrial
Telecommunications Application (ITA).
Oppositions to the reconsideration and
clarification requests were filed by the
Association of Public-Safety
Communications Officials-International,
Inc. (APCO) and Replies were filed by
both ITA and CIU.

2. Because of pressure placed on the
800 MHz Business and I/LT categories
by Specialized Mobile Radio (SMR)
applicants seeking to use these channels
on an inter-category sharing basis there
has been a significant increase in the
number of Business and I/LT license
applicants filing applications (on an
inter-category basis) for 800 MHz Public
Safety channels. In response to these
developments, the Commission has
initiated a rule making proceeding (PR
Docket 93-144, 59 FR 60111 (November
22, 1994)) to determine, among other
things, the appropriate allocation of this
segment of the spectrum. To avoid
compromising the resolution of this
issue, as well as the spectrum concerns
of the Public Safety community, the
Bureau imposed a temporary freeze on
the acceptance of applications for inter-
category sharing of channels allocated to
the Public Safety, I/LT and Business
Services.

3. In response to UTC's contention
that the freeze constituted substantive
action, the Bureau indicated that freezes
have long been considered by the
Commission as procedural in nature
and, therefore, this action did not
require compliance with the notice and
comment provisions of the
Administrative Procedure Act. Further,
the Bureau stated that providing the
public with notice of the action to be
taken and an opportunity to comment
would undercut the effectiveness of the
freeze and, thus, not be in the public
interest.

4. The Bureau concluded that neither
UTC's nor ITA's suggested

modifications to the freeze Order were
adequate to preserve the *status quo* until
resolution of the spectrum allocation
issues raised in PR Docket No. 93-144
and by the Public Safety community.
Limiting the freeze to SMR use of the
relevant channels, as suggested by UTC,
would be an incomplete remedy
because of previous encroachment by
SMRs in the I/LT pool. Also, ITA's
proposal to limit inter-category use to
internal communications is inadequate
to maintain the *status quo*.

5. Contrary to CIU's assertions, the
record supports the conclusion that the
communications needs of the Public
Safety community are currently at risk
of not being met. Further, current
problems cannot be addressed—as
suggested by CIU—merely by
identifying their cause. In any case, the
freeze is not a final resolution of the
matter, by merely a temporary action to
prevent compromising the
Commission's resolution of significant
spectrum allocation issues.

6. For the foregoing reasons, the
Bureau affirms the Order suspending
the acceptance of applications for inter-
category sharing to the 800 MHz Private
Mobile Radio Service Frequencies
allocated to the Public Safety,
Industrial/land Transportation and
Business Radio Services.

List of Subjects in 47 CFR Part 90

Administrative practice and
procedure.

Federal Communications Commission.

Reginal M. Keeney,

Chief, Wireless Telecommunications Bureau.

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GENERAL SERVICES ADMINISTRATION

48 CFR Parts 519 and 552

[APD 2800.12A, CHGE 63]

RIN 3090-AF77

General Services Administration Acquisition Regulation; Small Business

AGENCY: Office of Acquisition Policy,
GSA.

ACTION: Final rule.

SUMMARY: The General Services
Administration Acquisition Regulation
(GSAR) is amended to remove a
provision regarding small business
concern representation which is a
deviation to the Federal Acquisition
Regulation (FAR). The deviation is not
needed since Federal Acquisition

Circular (FAC) 90-23 amended the FAR 48 CFR 52.219-1. Miscellaneous revisions are made in regulations on small business and small disadvantaged business concerns to reflect current GSA organizational changes.

EFFECTIVE DATE: August 4, 1995.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Office of GSA Acquisition Policy, (202) 501-1224.

SUPPLEMENTARY INFORMATION

A. Public Comments

This rule was not published in the **Federal Register** for public comment because it merely revises the GSAR to conform to the FAR as amended by FAR 90-23, which had already undergone the public comment process.

B. Executive Order 12866

This rule was not submitted to the Office of Management and Budget (OMB) for review because the rule is not a significant regulatory action as defined in Executive Order 12866, Regulatory Planning and Review, and therefore was not required to be submitted.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply because this rule is not a significant revision as defined in FAR 1.505-1.

D. Paperwork Reduction Act

This rule does not impose any information collection or recordkeeping requirements that require the approval of OMB under 44 U.S.C. 3501 et seq. Therefore, the requirements of the Paperwork Reduction Act do not apply.

List of Subjects in 48 CFR Parts 519 and 552

Accordingly, 48 CFR Parts 519 and 552 are amended as follows:

1. The authority citation for 48 CFR Parts 519 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 519—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

2. Section 519.001 is revised to read as follows:

§ 519.001 Definitions.

Agency small business technical advisors (SBTAs) as used in this part, means the directors of the Business Service Centers (or designees) in the regions and the individuals in FSS, ITS and PBS who have been designated to serve as SBTAs in the Central Office. In addition to the duties outlined at FAR 19.201(c), the agency small business

technical advisors perform the functions of the small and disadvantaged business utilization specialist/representative described in FAR 19.506 (a) and (b) and 19.705-4(d)(5).

3. Section 519.201 is revised to read as follows:

§ 519.201 General policy.

The Associate Administrator for Enterprise Development (E) may make recommendations to the contracting officer as to whether a particular acquisition should be awarded under FAR 19.5 as a set-aside (including those involving labor surplus areas) or under FAR 19.8 as a section 8(a) award directly or through the SBTA.

4. Section 519.202-2(c) is revised to read as follows:

§ 519.202-2 Locating small business sources.

* * * * *

(c) BSC's will keep each other and the Office of Enterprise Development (E) informed on items of mutual interest regarding the small business programs.

§ 519.304 [Removed]

5. Section 519.304 is removed.

§ 552.219 [Removed]

6. Section 552.219-1 is removed.

Dated: June 22, 1995.

Ida M. Ustad,

Associate Administrator, Office of Acquisition Policy.

[FR Doc. 95-19044 Filed 8-2-95; 8:45 am]

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DEPARTMENT OF STATE

Office of the Procurement Executive

48 CFR Parts 601, 602, 605, 606, 609, 610, 613, 616, 619, 625, 636, 637, and 653

[Public Notice 2231]

Department of State Acquisition Regulation (DOSAR); Simplified Acquisition Threshold

AGENCY: Office of the Procurement Executive, Department of State.

ACTION: Final rule.

SUMMARY: This final rule amends the Department of State Acquisition Regulation (DOSAR) to reflect changes with respect to the change in the simplified acquisition threshold as outlined in the FAC 90-29. The rule also makes changes in Commerce Business Daily synopsis requirements for overseas contracting activities. Finally, the rule makes several technical corrections.

EFFECTIVE DATE: July 3, 1995.

FOR FURTHER INFORMATION CONTACT: Gladys Gines, Senior Procurement Analyst, Department of State, Office of the Procurement Executive, 2201 C Street NW, Suite 603, State Annex Number 6, Washington, DC 20522-0602, telephone (703) 516-1691. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

On July 3, 1995, FAC 90-29 became effective. The changes contained therein dealt with implementation of the Federal Acquisition Computer Network (FACNET) and simplified acquisition requirements of the Federal Acquisition Streamlining Act of 1994, Pub. L. 103-55. The changes published today focus only on the simplified acquisition threshold revisions of FAC 90-29. They are editorial in nature.

In addition, DOSAR 605.202-70 is being revised to reflect a recently authorized deviation from FAR requirements for certain Commerce Business Daily (CBD) synopses for the Department's foreign acquisitions awarded by overseas contracting activities, other than local guard service contracts.

The Department has determined that this document need not be published as a proposed rule. The rule generally makes only editorial and technical revisions to the current DOSAR. The deviation from CBD notice requirements for overseas contracting activities was approved by the Office of Federal Procurement Policy and the Small Business Administration, as required by FAR 5.202(b).

II. Impact

The Department of State certifies that this regulation will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

III. Paperwork Reduction Act

There are no additional information collection requirements associated with this rule. All information collection requirements associated with acquisition were approved under the Paperwork Reduction Act of 1980 by OMB and were assigned control number 1405-0050.

List of Subjects in 48 CFR Parts 601, 602, 605, 606, 609, 610, 613, 616, 619, 625, 636, 637, and 653

Government procurement, Department of State Acquisition Regulation (DOSAR).