

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[MM Docket No. 98-231, RM-9421]

**Radio Broadcasting Services; Gackle, ND****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by High Plains Broadcasting, Inc., to allot Channel 256C to Gackle, ND, as the community's first local aural service. Channel 256C can be allotted to Gackle in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 46-37-30 NL; 98-08-30 WL. Canadian concurrence in the allotment is required since Gackle is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

**DATES:** Comments must be filed on or before February 8, 1999, and reply comments on or before February 23, 1999.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: F. William LeBeau, Hogan & Hartson, L.L.P., 555 Thirteenth Street, N.W., Washington, D.C. 20004-1109 (Counsel to petitioner).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-231, adopted December 9, 1998, and released December 18, 1998. 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, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission

consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**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.  
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**ENVIRONMENTAL PROTECTION AGENCY****48 CFR Parts 1503, 1515, and 1552**

[FRL-6205-6]

**Acquisition Regulation: Contracting by Negotiation****AGENCY:** Environmental Protection Agency.**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is issuing this proposed rule to amend the EPA Acquisition Regulation (EPAAR) (48 CFR Chapter 15) so that it will conform to the Federal Acquisition Regulation (FAR 48 CFR Chapter 1), as revised by Federal Acquisition Circular (FAC) 97-02.

**DATES:** Comments are requested no later than January 27, 1999.

**ADDRESSES:** Written comments should be submitted to the contact listed below at the following address: U.S. Environmental Protection Agency, Office of Acquisition Management (3802R), 401 M Street, SW, Washington, D.C. 20460. Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: Senzel.Louise@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on 3.5" high density IBM-compatible formatted disks in WordPerfect in 6.1 format or ASCII file format. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this rule may be filed on-line at many Federal Depository Libraries.

**FOR FURTHER INFORMATION CONTACT:** Louise Senzel, U.S. EPA, Office of Acquisition Management, (3802R), 401

M Street, SW, Washington, D.C. 20460, Telephone: (202) 564-4367.

**SUPPLEMENTARY INFORMATION:****A. Background**

FAC 97-02, published in the **Federal Register** (62 FR 51224) on September 30, 1997, completely revised FAR Part 15, Contracting by Negotiation. The final rule allowed agencies to delay implementation until January 1, 1998. EPA began implementation of the revised Part 15 as of December 19, 1997. The EPAAR is in substantive compliance with the revised FAR, but extensive redesignation of EPAAR subparts and sections is required for structural conformance. Accordingly, EPAAR Part 1515, Contracting by Negotiation, is revised in its entirety, and parts 1503, Improper Business Practices and Personal Conflicts of Interest, and 1552, Solicitation Provisions and Contract Clauses, are amended.

**B. Executive Order 12866**

The proposed rule is not a significant regulatory action for the purposes of Executive Order 12866; therefore, no review is required by the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB).

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because this proposed rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*)

**D. Regulatory Flexibility Act**

The EPA certifies that this proposed rule does not exert a significant economic impact on a substantial number of small entities. The requirements to contractors under the rule impose no reporting, record-keeping, or any compliance costs.

**E. Unfunded Mandates**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and tribal governments, and the private sector. This proposed rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in one year. Any private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability.