

E. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

17. The Order on Reconsideration modifies § 22.901(d) to clarify that fixed wireless services provided on a co-primary basis are not subject to the requirements of § 22.323 for incidental communications services. Clarifying that carriers providing fixed wireless services on a co-primary basis pursuant to § 22.901(d) need not comply with the requirements of § 22.323 will provide further flexibility to CMRS carriers, including small entities, and is consistent with the Commission's intent in the First Report and Order. In addition, we amend § 22.323 to delete the requirement that carriers notify the Commission when providing incidental services. This change will reduce burdens on small entities and other providers subject to part 22 by eliminating an unnecessary notification requirement.

18. The Commission considered and rejected eliminating § 22.323 because it concluded that retaining § 22.323 is consistent with its decision in the First Report and Order not to alter the regulatory treatment of ancillary, auxiliary, and incidental fixed services that had been provided by CMRS providers under the rules. However, the Commission will consider the continued need for § 22.323 as part of its upcoming biennial review of all regulations that apply to providers of telecommunications service. The Commission also considered and rejected refining the notification requirement in § 22.323, finding that the notification requirement currently serves no useful purpose and therefore should be eliminated.

F. Report to Congress

19. The Commission shall send a copy of the Order on Reconsideration, including this Supplemental Final Regulatory Flexibility Analysis, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. See 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the Order on Reconsideration, including the Supplemental Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this Order on Reconsideration and Supplemental Final Regulatory Flexibility Analysis (or summaries thereof) will also be published in the **Federal Register**. See 5 U.S.C. 604(b).

List of Subjects in 47 CFR Part 22

Communications common carriers, Communications equipment, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 22 as follows:

PART 22—PUBLIC MOBILE SERVICES

1. The authority citation for part 22 continues to read as follows: 47 U.S.C. 154, 222, 303, 309, and 332.

2. Section 22.323 is amended by removing paragraph (d) and revising paragraphs (b) and (c) to read as follows:

§ 22.323 Incidental communication services.

* * * * *

(b) The quality of the primary public mobile service does not materially deteriorate as a result of provision of incidental services, and neither growth nor availability of the primary public mobile service is significantly diminished as a result of provision of incidental services; and

(c) The provision of the incidental services is not inconsistent with the Communications Act of 1934, as amended, or with FCC rules and policies.

3. Section 22.901 is amended by revising the introductory text and paragraph (d) to read as follows:

§ 22.901 Cellular service requirements and limitations.

Cellular system licensees must provide cellular mobile radiotelephone service upon request to subscribers in good standing, including roamers, as provided in § 20.12 of this chapter. A cellular system licensee may refuse or terminate service, however, subject to any applicable state or local requirements for timely notification, to any subscriber who operates a cellular telephone in an airborne aircraft in violation of § 22.925 or otherwise fails to cooperate with the licensee in exercising operational control over mobile stations pursuant to § 22.927.

* * * * *

(d) *Alternative technologies and co-primary services.* Licensees of cellular systems may use alternative cellular technologies and/or provide fixed services on a co-primary basis with their mobile offerings, including personal communications services (as defined in part 24 of this chapter) on the spectrum within their assigned channel block.

Cellular carriers that provide mobile services must make such service available to subscribers whose mobile equipment conforms to the cellular system compatibility specification (see § 22.933).

(1) Licensees must perform or obtain an engineering analysis to ensure that interference to the service of other cellular systems will not result from the implementation of co-primary fixed services or alternative cellular technologies.

(2) Alternative technology and co-primary fixed services are exempt from requirements for incidental communications services of § 22.323, the channeling requirements of § 22.905, the modulation requirements of § 22.915, the wave polarization requirements of § 22.367, the compatibility specification in § 22.933 and the emission limitations of §§ 22.357 and 22.917, except for emission limitations that apply to emissions outside the assigned channel block.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[DA 00-1654]

Amendment of the Geographic Channel Block Layout for Commercial Aviation Air-Ground Systems in the Air-Ground Radiotelephone Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the geographical channel block layout for commercial aviation air-ground systems licensed in the Air-Ground Radiotelephone Service. These systems provide telephone service over a wireless air-ground link to the telephones that are installed in commercial airliners for use by passengers during flights. The purpose of this action is to update the geographic channel block layout set forth in the Commission's rules such that it correctly lists the reference locations and channel block allotments for currently operating ground stations in this service.

DATES: Effective September 11, 2000.

FOR FURTHER INFORMATION CONTACT: B.C. "Jay" Jackson, Jr., Wireless Telecommunications Bureau at (202) 418-1309.

SUPPLEMENTARY INFORMATION: The action amends the geographical channel block layout for commercial aviation air-ground systems licensed in the Air-Ground Radiotelephone Service (47 CFR Part 22, Subpart G). These systems provide telephone service to the seat-back and bulkhead telephones installed in commercial airliners for use by passengers during flights. The wireless link between public telephone networks on the ground and an airborne aircraft so equipped is established by these systems. Each system comprises 50 or more full-power ground stations. Rule 47 CFR 22.859 requires, among other things, that each full-power ground station must (1) be located within 1.6 kilometers (1 mile) of one of the locations (defined by the geographic coordinates—latitude and longitude) listed in the geographic channel block layout set forth in that rule section, and (2) operate only on the channel block allotted in the geographic channel block layout for that location. As an exception, 47 CFR 22.859(b) provides that a full-power ground station may be established at a location that is more than 550 miles from all other full-power ground station locations on the same channel block. In 1993 and 1994, the commercial aviation air-ground system licensees filed petitions for rule making requesting various minor changes and corrections to a few of the locations and channel block allotments listed in 47 CFR 22.859. On various occasions since then, the licensees have requested and been granted special temporary

authorizations waiving 47 CFR 22.859, allowing them to establish ground stations at locations that exceed, by a small margin, the 1.6 kilometer proximity requirement, and/or to operate on channel block assignments other than those listed in the geographic channel block layout. However, in each case, the intent of the rule (that all operating stations be located in close proximity in order to minimize interference due to Doppler frequency shift) continued to be served, and furthermore, all of the licensees concurred in the changes. Taking into account the accumulated location and channel block changes, this action amends 47 CFR 22.859 to conform and update it, so that the geographic channel block layout therein will correctly list the currently authorized locations and channel block allotments. This action was taken by the Deputy Chief, Wireless Telecommunications Bureau, FCC, pursuant to delegated authority (47 CFR 0.331), in a letter addressed to the commercial aviation air-ground radiotelephone system licensees. This letter, dated July 25, 2000 and released to the public on July 26, 2000, is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, S.W., Washington, D.C. 20554. A copy of the letter may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036 (202) 857-3800.

List of Subjects in 47 CFR Part 22

Communications common carriers, Communications equipment, Radio, Federal Communications Commission, **Magalie Roman Salas**, Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 22 as follows:

PART 22—PUBLIC MOBILE SERVICES

1. The authority citation for part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 222, 303, 309, and 332.

2. Section 22.859 is amended by revising the introductory text including the table to read as follows:

§ 22.859 Geographical channel block layout.

Except as provided in paragraphs (a) and (b) of this section, each ground station location must be within 1.6 kilometers (one mile) of one of the locations listed in this paragraph. The channel block allotted for each location must be used to provide service to airborne mobile stations in flight and may be used to provide service to airborne mobile stations on the ground.

Note: All geographic coordinates are referenced to North American Datum 1983 (NAD83).

Location	N. latitude	W. longitude	Channel block
ALASKA:			
Anchorage	61°11'04"	149°54'50"	8
Cordova	60°29'38"	145°28'17"	5
Ketchikan	55°21'10"	131°42'20"	5
Juneau	58°21'17"	134°34'36"	4
Sitka	57°03'03"	135°20'23"	7
Yakutat	59°32'22"	139°44'10"	2
ALABAMA:			
Birmingham	33°23'24"	86°39'59"	2
ARIZONA:			
Phoenix	33°35'39"	112°05'15"	4
Winslow	35°01'17"	110°43'04"	6
ARKANSAS:			
Pine Bluff	34°10'56"	91°56'18"	8
CALIFORNIA:			
Burbank	34°11'44"	118°21'31"	4
Blythe	33°36'39"	114°42'27"	10
Los Angeles	33°56'45"	118°23'06"	3
Oakland	37°51'54"	122°13'15"	1
Red Bluff	40°04'34"	122°10'38"	8
San Francisco	37°41'15"	122°26'05"	6
San Jose	37°20'56"	121°54'01"	5
Visalia	36°19'36"	119°23'25"	7
COLORADO:			
Colorado Springs	38°44'39"	104°51'48"	8
Bennet	39°51'24"	104°35'53"	1
Hayden	40°29'04"	107°13'10"	6
FLORIDA:			

Location	N. latitude	W. longitude	Channel block
Miami	25°48'28"	80°16'29"	4
Orlando	28°26'54"	81°21'59"	2
Tallahassee	30°24'03"	84°21'18"	7
GEORGIA:			
Atlanta	33°39'05"	84°25'54"	5
St Simons Island	31°09'23"	81°23'13"	6
HAWAII:			
Mauna Kapu	21°24'13"	158°05'52"	5
IDAHO:			
Blackfoot	43°11'34"	112°21'00"	8
Caldwell	43°38'45"	116°38'47"	10
ILLINOIS:			
Chicago	41°46'49"	87°45'20"	3
Kewanee	41°12'05"	89°57'33"	5
Schiller Park	41°57'18"	87°52'57"	2
INDIANA:			
Fort Wayne	40°59'16"	85°11'31"	7
IOWA:			
Des Moines	41°31'58"	93°38'55"	1
KANSAS:			
Garden City	37°59'35"	100°54'06"	3
Wichita	37°37'24"	97°27'16"	7
KENTUCKY:			
Fairdale	38°04'48"	85°47'33"	6
LOUISIANA:			
Kenner	30°00'28"	90°13'49"	3
Shreveport	32°27'10"	93°49'39"	5
MASSACHUSETTS:			
Boston	42°23'15"	71°01'01"	7
MICHIGAN:			
Bellville	42°12'17"	83°29'09"	8
Flint	42°58'21"	83°44'22"	9
Sault Saint Marie	46°28'45"	84°21'31"	6
MINNESOTA:			
Bloomington	44°51'30"	93°13'20"	9
MISSISSIPPI:			
Meridian	32°19'11"	88°41'33"	9
MISSOURI:			
Kansas City	39°18'13"	94°41'05"	6
St. Louis	38°42'45"	90°19'19"	4
Springfield	37°14'28"	93°22'55"	9
MONTANA:			
Lewistown	47°02'56"	109°27'30"	5
Miles City	46°25'30"	105°52'32"	8
Missoula	47°01'05"	114°00'44"	3
NEBRASKA:			
Grand Island	40°58'00"	98°19'12"	2
Ogallala	41°07'11"	101°45'39"	4
NEVADA:			
Las Vegas	36°05'35"	115°10'28"	1
Reno	39°35'13"	119°55'56"	4
Tonopah	38°03'43"	117°13'27"	9
Winnemucca	41°00'39"	117°46'01"	3
NEW MEXICO:			
Alamogordo	32°54'46"	105°56'43"	8
Albuquerque	35°03'05"	106°37'15"	10
Aztec	36°48'42"	107°53'50"	9
Clayton	36°27'29"	103°11'18"	5
NEW JERSEY:			
Woodbury	39°50'01"	75°09'20"	3
NEW YORK:			
E. Elmhurst	40°46'21"	73°52'40"	1
Schuyler	43°09'09"	75°07'49"	2
Staten Island	40°36'05"	74°06'34"	9
NORTH CAROLINA:			
Greensboro	36°05'54"	79°56'41"	9
Wilmington	34°16'11"	77°54'23"	3
NORTH DAKOTA:			
Dickinson	46°51'05"	102°47'37"	7
OHIO:			
Pataskala	40°04'05"	82°42'00"	1
OKLAHOMA:			
Warner	35°29'31"	95°18'26"	4

Location	N. latitude	W. longitude	Channel block
Woodward	36°24'42"	99°28'51"	9
OREGON:			
Albany	44°38'23"	123°03'40"	5
Klamath Falls	42°06'30"	121°38'04"	2
Pendleton	45°35'44"	118°31'06"	7
PENNSYLVANIA:			
Coraopolis	40°30'33"	80°13'26"	4
New Cumberland	40°11'30"	76°52'01"	8
SOUTH CAROLINA:			
Charleston	32°54'11"	80°01'19"	4
SOUTH DAKOTA:			
Aberdeen	45°27'21"	98°25'27"	6
Rapid City	44°02'36"	103°03'38"	5
TENNESSEE:			
Elizabethton	36°26'04"	82°08'05"	7
Memphis	35°01'44"	89°56'15"	10
Nashville	36°08'07"	86°41'39"	3
TEXAS:			
Bedford	32°45"	97°07'20"	1
Houston	29°54'38"	95°24'40"	2
Lubbock	33°37'06"	101°52'16"	7
Monahans	31°34'58"	102°54'20"	6
UTAH:			
Abajo Peak	37°50'21"	109°27'44"	7
Delta	39°23'15"	112°30'47"	2
Escalante	37°45'19"	111°52'30"	5
Green River	38°57'54"	110°13'43"	3
Salt Lake City	40°39'11"	112°12'09"	1
VIRGINIA:			
Arlington	38°52'55"	77°06'17"	6
WASHINGTON:			
Seattle	47°26'07"	122°17'39"	4
Cheney	47°33'14"	117°43'39"	1
WEST VIRGINIA:			
Charleston	38°19'47"	81°39'35"	2
WISCONSIN:			
Stevens Point	44°33'06"	89°25'27"	8
WYOMING:			
Riverton	43°03'37"	108°27'25"	9

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1830

Cost Accounting Standards Waivers

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Interim rule.

SUMMARY: This interim rule amends the NASA FAR Supplement (NFS) by identifying who within NASA has the authority to approve Cost Accounting Standards waivers.

DATES: *Effective date:* August 11, 2000. *Comment Date:* Comments should be submitted to NASA at the address below on or before October 10, 2000.

ADDRESSES: Interested parties should submit written comments to Joseph Le Cren, NASA Headquarters Office of

Procurement, Contract Management Division (Code HK), Washington, DC 20546. Comments also may be submitted by e-mail to *joseph.lecren@hq.nasa.gov*.

FOR FURTHER INFORMATION CONTACT: Joseph Le Cren, (202) 358-0444.

SUPPLEMENTARY INFORMATION:

A. Background

A Federal Acquisition Regulation (FAR) interim rule was published in the June 6, 2000, **Federal Register** (65 FR 36028-36030) on the applicability, thresholds, and waiver of Cost Accounting Standards (CAS). The FAR rule reflects changes resulting from the National Defense Authorization Act for Fiscal Year 2000 (Pub. Law 106-65). One of the changes in the interim rule deals with CAS waivers. The rule provides for agency CAS waiver authority when there are contracts or subcontracts with a value of less than \$15 million, when the segment performing the contract or subcontract

is primarily engaged in the sale of commercial items and would not otherwise be subject to cost accounting standards, or under exceptional circumstances when necessary to meet the needs of the agency. The interim rule authorizes the Heads of Executive Agencies to approve CAS waivers. The rule also allows for this authority to be delegated but not to an official below the senior policymaking level in the agency. NASA has chosen to delegate the authority to approve CAS waivers to the Associate Administrator for Procurement.

B. Regulatory Flexibility Act

NASA certifies that this interim rule will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because contracts and subcontracts with small businesses are exempt from all CAS requirements in accordance with 48 CFR 9903.201-1(b)(3). However, comments from small entities