

*F. Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rules*

None.

**III. Ordering Clauses**

17. This *Notice of Proposed Rule Making* is contained in Sections 4(i), 4(j), 7(a), 302, 303(b), 303(f), 303(g), 303(r), 307(e), 332(a), and 332(c) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 157(a), 302, 303(b), 303(f), 303(g), 303(r), 307(e), 332(a), and 332(c).

18. The proposed regulatory changes described in the *Notice of Proposed Rule Making* are contained in rule changes.

19. The petition for rulemaking filed by Maritel, Inc. on May 16, 2003 is granted in part and denied in part, to the extent set forth herein, and the petition for rulemaking filed by Mobex Network Services, LLC on June 13, 2003 is granted.

20. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this *Notice of Proposed Rule Making*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

**List of Subjects**

47 CFR Parts 20 and 80

Communications equipment, Radio, Federal Communications Commission.

**William F. Caton,**  
*Deputy Secretary.*

**Proposed Rules**

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 20 and 80 as follows:

**PART 20—COMMERCIAL MOBILE RADIO SERVICES**

1. The authority citation for part 20 continues to read as follows:

**Authority:** Secs. 4, 10, 251–254, 303, and 332; 47 U.S.C. 154, 160, 251–254, 303, and 332, unless otherwise noted.

2. Section 20.9 is amended by revising paragraphs (b) introductory text and (b)(1) to read as follows:

**§ 20.9 Commercial mobile radio service.**

\* \* \* \* \*

(b) Licensees of a Personal Communications Service or applicants for a Personal Communications Service license, and VHF Public Coast Station geographic area licensees or applicants, and automated maritime telecommunications system (AMTS)

geographic area licensees or applicants, proposing to use any Personal Communications Service, VHF Public Coast Station, or AMTS spectrum to offer service on a private mobile radio service basis must overcome the presumption that Personal Communications Service, VHF Public Coast, and AMTS Stations are commercial mobile radio services.

(1) The applicant or licensee (who must file an application to modify its authorization) seeking authority to dedicate a portion of the spectrum for private mobile radio service, must include a certification that it will offer Personal Communications Service, VHF Public Coast Station, or AMTS service on a private mobile radio service basis. The certification must include a description of the proposed service sufficient to demonstrate that it is not within the definition of commercial mobile radio service in § 20.3. Any application requesting to use any Personal Communications Service, VHF Public Coast Station, or AMTS spectrum to offer service on a private mobile radio service basis will be placed on public notice by the Commission.

\* \* \* \* \*

**Part 80—STATIONS IN THE MARITIME SERVICES**

1. The authority citation for part 80 continues to read as follows:

**Authority:** Secs. 4, 303, 307(e), 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e), 309, and 332, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.5 is amended by revising the definition of automated maritime telecommunications system to read as follows:

**§ 80.5 Definitions.**

\* \* \* \* \*

*Automated maritime telecommunications system (AMTS).* An automatic, integrated maritime communications system.

\* \* \* \* \*

3. Section 80.123 is amended by revising the introductory paragraph to read as follows:

**§ 80.123 Service to stations on land.**

Marine VHF public coast stations, including AMTS coast stations, may provide service to stations on land in accordance with the following:

\* \* \* \* \*

4. Section 80.475 is amended by revising paragraph (c) and adding a new paragraph (d) to read as follows:

**§ 80.475 Scope of service of the Automated Maritime Telecommunications System (AMTS).**

\* \* \* \* \*

(c) In lieu of public correspondence service, an AMTS system may provide a private mobile radio service. However, such communications may be provided only to stations whose licensees make cooperative arrangements with the AMTS coast station licensees. In emergency and distress situations, services must be provided to ship stations without prior arrangements.

(d) AMTS systems providing private mobile radio service in lieu of public correspondence service are not required to be interconnected to the public switched network. AMTS systems providing public correspondence service must be interconnected to the public switched network, but the licensee may also offer non-interconnected services.

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 04–2392; MB Docket No. 04–287, RM–11044; MB Docket No. 04–288, RM–11045]

**Radio Broadcasting Services; Booneville, KY and Rhinelander, WI**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes new allotments in separate communities, Booneville, Kentucky and Rhinelander, Wisconsin. The Audio Division requests comment on a petition filed by East Kentucky Educational Radio, proposing the allotment of Channel 227A at Booneville, Kentucky, as the community's first local aural transmission service. Channel 227A can be allotted to Booneville in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.1 kilometers (8.8 miles) northwest of the community. The reference coordinates for Channel 227A at Booneville are 37–34–24 NL and 83–46–40 WL, 24–55–05 NL and 80–38–04 WL. The Audio Division also requests comments on a petition filed by Results Broadcasting of Rhinelander, Inc., proposing the allotment of Channel 243C3 at Rhinelander, Wisconsin, as the community's fourth local aural transmission service. Channel 243C3 can be allotted to Rhinelander in compliance with the Commission's

minimum distance separation requirements with a site restriction of 14.9 kilometers (9.3 miles) east of the community. The reference coordinates for 243C3 at Rhinelander are 45–39–43 NL and 89–13–25 WL. See

**SUPPLEMENTARY INFORMATION**, *infra*.

**DATES:** Comments must be filed on or before September 20, 2004, and reply comments on or before October 5, 2004.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve each petitioner, its counsel, or consultant, as follows: East Kentucky Educational Radio, 146 Paul Drive, Hazard, Kentucky 41701; Results Broadcasting of Rhinelander, Inc., c/o Mark Blacknell, Esq., Womble, Carlyle, Sandridge & Rice, Seventh Floor, 1401 Eye Street, NW., Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket Nos. 04–287 and 04–288, adopted July 28, 2004 and released July 30, 2004. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

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* contact. 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, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by adding Booneville, Channel 227A.

3. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Channel 243C3 at Rhinelander.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–18261 Filed 8–9–04; 8:45 am]

**BILLING CODE 6712–01–P**

### DEPARTMENT OF DEFENSE

#### 48 CFR Part 228

[DFARS Case 2003–D033]

#### Defense Federal Acquisition Regulation Supplement; Bonds

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to the use of fidelity and forgery bonds under DoD contracts. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before October 12, 2004, to be considered in the formation of the final rule.

**ADDRESSES:** You may submit comments, identified by DFARS Case 2003–D033, using any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Defense Acquisition Regulations Web Site: <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. Follow the instructions for submitting comments.
- E-mail: [dfars@osd.mil](mailto:dfars@osd.mil). Include DFARS Case 2003–D033 in the subject line of the message.
- Fax: Primary: (703) 602–7887; Alternate: (703) 602–0350.
- Mail: Defense Acquisition Regulations Council, Attn: Mr. Thaddeus Godlewski, OUSD(AT&L)DPAP(DAR), IMD 3C132,

3062 Defense Pentagon, Washington, DC 20301–3062.

- Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thaddeus Godlewski, (703) 602–2022.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dp/dars/transf.htm>.

This proposed rule is a result of the DFARS Transformation initiative. The proposed changes—

- Amend DFARS 228.105 to clarify that fidelity and forgery bonds are authorized for use under certain circumstances; and
- Amend DFARS 228.106–7(a) to update a cross-reference.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

##### B. Regulatory Flexibility Act

DoD does not expect this rule to 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 the rule updates and clarifies DFARS text, but makes no substantive change to policy. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D033.