

TABLE 2 TO PARAGRAPH (d)—Continued

Commodity	Parts per million
Vegetable, Brassica, head and stem, group 5–16 .....	0.015
Vegetable, bulb, group 3–07 .....	0.03
Vegetable, legume, forage and hay, group 7–22, forage .....	0.09
Vegetable, legume, forage and hay, group 7–22, hay .....	0.4
Vegetable, leafy, group 4–16 .....	0.015
Vegetable, leaves of root and tuber, group 2 .....	0.015
Vegetable, legume, group 6–22 .....	0.8
Vegetable, root, subgroup 1B .....	0.02

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 76**

[MB Docket No. 22–239; DA 23–740; FR ID 169282]

**Update to Publication for Television Broadcast Station DMA Determinations for Cable and Satellite Carriage**

**AGENCY:** Federal Communications Commission.

**ACTION:** Technical amendment.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) conforms a section of its rules to the requirements of the Communications Act, correcting errors that were inadvertently introduced in the prior Report and Order, which revised Commission rules to use the Nielsen Company’s Local TV Station Information Report as the successor publication to the annual Station Index Directory and United States Television Household Estimates in determining a television station’s designated market area for satellite and cable carriage under the Commission’s regulations. This action makes no substantive changes to this regulation.

**DATES:** This rule is effective October 12, 2023.

**FOR FURTHER INFORMATION CONTACT:** Contact Kenneth Lewis, *Kenneth.lewis@fcc.gov*, of the Media Bureau, Policy Division, (202) 418–2622.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Media Bureau’s Order, in MB Docket No. 22–239; DA 23–740, adopted and released on August 21, 2023. The full text of this document is available for download at <https://docs.fcc.gov/public/attachments/DA-23-740A1.pdf>. To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to

*FCC504@fcc.gov* (<mailto:FCC504@fcc.gov>) or call the Consumer and Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

**Synopsis**

On November 17, 2022, the Commission adopted the *Nielsen Update Report and Order*, MB Docket No. 22–239, FCC 22–89, which revised Commission rules to use the Nielsen Company’s Local TV Station Information Report as the successor publication to the annual Station Index Directory and United States Television Household Estimates in determining a television station’s designated market area for satellite and cable carriage under the Commission’s regulations.<sup>1</sup> Pursuant to that change, § 76.66(e)(3) of the Commission’s rules was revised, and the time periods mentioned in that rule were brought up to date.<sup>2</sup> These updates were intended to reflect the upcoming statutorily-established carriage election cycle periods,<sup>3</sup> but contained errors.

**Technical Correction**

Section 47 U.S.C. 325(b)(3)(B) requires that television stations, within one year after October 5, 1992, and every three years thereafter, make an election between the right to grant retransmission consent under this subsection and the right to signal carriage under section 534 of this title.”<sup>4</sup> In this Order, we revise § 76.66(e)(3) of the Commission’s rules in order to conform to the requirements of the Communications Act. Specifically, we correct the references to the upcoming carriage election cycles in

the first and second sentences to confirm that the next cycle runs from 2024–2026 (not 2024–2027), and the following cycle runs from 2027–2029 (not 2028–2030).

**Regulatory Analyses**

*Administrative Procedure Act*

We find that notice and comment procedures are unnecessary under the “good cause” exception of the Administrative Procedure Act (APA) because correcting the references in § 76.66(e)(3) entails no exercise of our administrative discretion.<sup>5</sup> The dates of each carriage cycle are long-established as a matter of law, and the reference to these dates in § 76.66 is merely as an aid to understanding. The rule change does not establish additional regulatory obligations or burdens on regulated entities. Consequently, we find notice and comment procedures are unnecessary for this action.

*Paperwork Reduction Act Analysis*

This document does not contain any new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA).<sup>6</sup> In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002.<sup>7</sup>

*Congressional Review Act*

Because this is a technical correction, there is no impact under the Congressional Review Act, 5 U.S.C. 804(2). Thus, the Bureau will not send

<sup>1</sup> *Update to Publication for Television Broadcast Station DMA Determinations for Cable and Satellite Carriage*, Report and Order, FCC 22–89, MB Docket No. 22–239 (rel. Nov. 18, 2022).

<sup>2</sup> *Id.* at Appendix B, Final Rules, para. 3.

<sup>3</sup> 47 U.S.C. 325(b)(3)(B) (“The regulations required by subparagraph (A) shall require that television stations, within one year after October 5, 1992, and every three years thereafter, make an election between the right to grant retransmission consent under this subsection and the right to signal carriage under section 534 of this title.”).

<sup>4</sup> *Id.*

<sup>5</sup> 5 U.S.C. 553(b)(3)(B) (notice and comment is not necessary “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest”).

<sup>6</sup> The Paperwork Reduction Act of 1995, Public Law 104–13, 109 Stat. 163 (1995) (codified in Chapter 35 of title 44 U.S.C.).

<sup>7</sup> The Small Business Paperwork Relief Act of 2002 (SBPRA), Public Law 107–198, 116 Stat. 729 (2002) (codified in Chapter 35 of title 44 U.S.C.); see 44 U.S.C. 3506(c)(4).

a copy of this Order to Congress or the Government Accountability Office.

*Regulatory Flexibility Act*

Because these rule changes are being adopted without notice and comment, the Regulatory Flexibility Act<sup>8</sup> does not apply.

**List of Subjects in 47 CFR Part 76**

Television.

Federal Communications Commission.

**Thomas Horan,**

*Chief of Staff, Media Bureau.*

**Final Rules**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 76 by making the following technical amendment:

**PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE**

■ 1. The authority citation for part 76 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 2. Section 76.66 is amended by revising paragraph (e)(3) to read as follows:

**§ 76.66 Satellite broadcast signal carriage.**

\* \* \* \* \*

(e) \* \* \*

(3) A satellite carrier shall use the October 2021 Nielsen Local TV Station Information for the retransmission consent-mandatory carriage election cycle commencing on January 1, 2024, and ending on December 31, 2026. The October 2024 Nielsen Local TV Station Information Report shall be used for the retransmission consent-mandatory carriage election cycle commencing January 1, 2027, and ending December 31, 2029, and so forth using the publications for the October two years prior to each triennial election pursuant to this section. Provided, however, that a county deleted from a market by Nielsen need not be subtracted from a market in which a satellite carrier provides local-into-local service, if that county is assigned to that market in the 1999–2000 Nielsen Station Index Directory or any subsequent issue of that publication, or the Local TV Station Information Report commencing with October 2021, and every three years thereafter (*i.e.*, October 2024, October 2027, etc.). A satellite carrier may

determine which local market in the State of Alaska will be deemed to be the relevant local market in connection with each subscriber in an area in the State of Alaska that is outside of a designated market, as described in paragraph (e)(2) of this section.

\* \* \* \* \*

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**GENERAL SERVICES ADMINISTRATION**

**48 CFR Parts 515, 538, and 552**

**[GSAR Case 2019–G503; Docket No. 2022–0019; Sequence No. 1]**

**RIN 3090–AK09**

**General Services Administration Acquisition Regulation (GSAR); Streamline GSA Commercial Contract Clause Requirements**

**AGENCY:** Office of Acquisition Policy, General Services Administration.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration (GSA) is issuing this final rule amending the GSAR to clarify and streamline the clauses contracting officers should reference in acquisitions for commercial products and services.

**DATES:** *Effective:* October 12, 2023.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Mr. Nicholas Giles or Ms. Johnnie McDowell, Procurement Analysts at 202–718–6112 or [GSARPolicy@gsa.gov](mailto:GSARPolicy@gsa.gov). For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or [GSARegsec@gsa.gov](mailto:GSARegsec@gsa.gov). Please cite GSAR Case 2019–G503.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

GSA published a proposed rule in the **Federal Register** at 87 FR 77783 on December 20, 2022, to amend the GSAR to streamline, reorganize, and delete duplicative and outdated clauses. These changes can be categorized into three areas: reorganization of commercial clauses and applicable parts; relocation of an FSS clause; and editorial changes.

This rule updates several clauses and other related parts by eliminating out of date references and any requirements that are not necessary by law. Specifically, GSA streamlined and reorganized the references in GSAR Clauses 552.212–71 and 552.212–72, and other related GSAR sections to reduce duplicative content and to ensure consistency within GSA’s

guidance as it relates to the acquisition of commercial products and commercial services.

In addition, GSA identified several duplicative and outdated clauses incorporated by reference at GSAR 552.212–71 *Contract Terms and Conditions Applicable to GSA Acquisitions of Commercial Products and Commercial Services*, GSAR 552.212–72 *Contract Terms and Conditions Required To Implement Statutes or Executive Orders Applicable to GSA Acquisition of Commercial Products and Commercial Services*, and other related GSAR sections.

**II. Discussion of the Final Rule**

*A. Analysis of Public Comments*

GSA provided the public a 60-day comment period (December 20, 2022, to February 21, 2023). GSA did not receive any comments from the public.

*B. Summary of Changes*

GSA did not make any significant changes, or changes of any kind, since publication of the proposed rule.

**III. Expected Impact of the Rule**

This final rule will assist GSA’s contracting officers in ensuring appropriate safeguards are followed when procuring commercial products and services. Contracting officers will be able to clearly identify which clauses to consider inserting in solicitations and contracts when procuring commercial products and services. In addition, the removal of duplicative and outdated clauses will reduce the amount of time contracting officers need in preparing solicitation packages and monitoring contracts.

**IV. Executive Orders 12866, 13563 and 14094**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 14094 (Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in E.O. 12866 and E.O. 13563. The Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) has determined that this

<sup>8</sup> 5 U.S.C. 601 *et seq.* See *id.* section 601(2).