List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

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

§ 73.622 [Amended]

■ 2. Section 73.622(b), the Table of Digital Television Allotments under Montana, is amended by removing DTV channel 15 and adding DTV channel 10 at Glendive.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 04–22882 Filed 10–8–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–2146, MM Docket No. 01–135, RM–10154, RM–10326, RM–10327]

Radio Broadcasting Services; Bunkerville, Caliente, Laughlin, Logandale, NV; Mohave Valley, AZ; St. George, UT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants a counterproposal to reallot and change the community of license for Station KZHK(FM), Channel 240C, St. George, UT, to Bunkerville, NV, and to upgrade, reallot, and change the community for Station KADD(FM) from Channel 228C1 at Laughlin, NV to Channel 288C at Logandale, NV. The also document also dismisses a proposal to allot Channel 291C2 at Caliente, NV, because neither the petitioner nor any other party filed a continuing expression of interest in the proposed allotment. Finally, the document dismisses a counterproposal to reallot and change the community of license for Station KPLD(FM), Channel 266C, from Kanab to Moapa, UT. *See* 66 FR 35768, July 9, 2001. *See also* **SUPPLEMENTARY INFORMATION.**

DATES: Effective January 5, 2005.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket 01–135, adopted September 1, 2004, and released September 3, 2004. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*. The Commission will send a copy of the *Report and Order* in this proceeding in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

The reference coordinates for Channel 240C at Bunkerville, NV, and Channel 228C at Logandale, NV are 36–50–52 and 114–28–37, are 36–50–52 and . To accommodate these reallotments, the document (1) substitutes Channel 229A for vacant Channel Channel 240A at Mohave Valley, AZ, at reference coordinates 34–55–40 and 114–35–51; and (2) substitutes Channel 291C2 for Channel 228C2 at St. George, UT, at reference coordinates 36–50–49 and 113–29–28 and modifies the license for Station KSNN(FM) accordingly.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended 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 Arizona, is amended by removing Channel 240A and adding Channel 229A at Mohave Valley.

■ 3. Section 73.202(b), the Table of FM Allotments under Nevada, is amended by adding Bunkerville, Channel 240C, by removing Channel 228C1 at Laughlin and adding Logandale, Channel 228C.

■ 4. Section 73.202(b), the Table of FM Allotments under Utah, is amended by removing Channel 240C at St. George.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–22841 Filed 10–8–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 01–146; RM–9966; FCC 04–212]

Rules and Policies for Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450–470 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial of petition for reconsideration.

SUMMARY: In this document, the Commission addresses a petition for reconsideration of the *Report and Order* in this proceeding filed by the American Association of Paging Carriers (AAPC). AAPC requests that the Commission prohibit the licensing of stations on frequencies (or channels) 12.5 kHz removed from eight specific part 90 450–470 MHz band paging frequencies.

FOR FURTHER INFORMATION CONTACT: Scot Stone, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, at (202) 418–0680, or TTY (202) 418–7233.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, FCC 04–212, adopted on September 1, 2004, and released on September 8, 2004. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov*. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 or TTY (202) 418–7365 or at *bmillin@fcc.gov*.

1. In the Order, the Commission concludes that to the extent that the AAPC petition requests these offset channels be eliminated it is untimely filed. The Report and Order did not establish these channels; they have been available for years. Also, eliminating these channels was not an issue squarely raised in the context of the proceeding. In addition, we note that the Commission previously addressed the issue of whether to extend part 22 rules to reclassified part 90 services. A request to eliminate licensing of the subject eight offset channels would have been the proper subject of a reconsideration petition then or in the Reframing Report and Order when the

Commission decided to establish a new band plan for the PLMR 450–470 MHz band. Likewise, to the extent the AAPC petition indirectly challenges earlier Commission decisions it is also procedurally flawed because it is an impermissible collateral attack on final Commission decisions.

2. Additionally, the Commission declined to conform rules applicable to part 90 and part 22 CMRS operations.

I. Procedural Matters

A. Paperwork Reduction Act

3. The Order does not contain any new or modified information collection.

B. Final Regulatory Flexibility Analysis

4. As required by the Regulatory Flexibility Act (''RFA'') of 1980, as amended, an Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated in the *Notice of Proposed Rulemaking* (''NPRM''). The FCC sought written public comment on the proposals in the NPRM, including comment on the IRFA. The present Final Regulatory Flexibility Analysis (''FRFA'') conforms to the RFA.

II. Ordering Clauses

4. Accordingly, it is ordered that, pursuant to the authority of Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and section 1.115 of the Commission's Rules, 47 CFR 1.115, the petition for reconsideration filed by American Association of Paging Carriers is denied, and the proceeding is hereby terminated.

5. The Commission will not send a copy of this Order pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of particular applicability. The Commission declined to change rules adopted in a previous proceeding.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04–22742 Filed 10–8–04; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[Docket OST–1999–6189]

RIN 9991–AA44

Definitions, Organization and Delegation of Powers and Duties

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This rule will implement the Services Acquisition Reform Act of 2003 (SARA), which amended the Office of Federal Procurement Policy Act to require each agency head to designate a Chief Acquisition Officer (CAO). The Secretary of Transportation designated the Deputy Secretary as CAO and also designated the Assistant Secretary of Administration as Deputy CAO. This rule will ensure proper accountability and responsibility of acquisition functions within the Department of Transportation (DOT).

EFFECTIVE DATE: October 12, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Elaine Wheeler, Office of the Senior Procurement Executive, M–60, (202) 366–4272, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 or e-mail to *Elaine.wheeler@ost.dot.gov.*

SUPPLEMENTARY INFORMATION: This rule updates the Code of Federal Regulations (CFR) section that sets forth authority delegated from the Secretary of Transportation to other Departmental officials, including the Assistant Secretary for Administration. This rule aligns 49 CFR Part 1 with the Office of Federal Procurement Policy Act (41 U.S.C. 414) (as amended by SARA, Pub. L. 108–136, Sect. 1421 (Nov. 24, 2003)).

The Federal Acquisition Regulation (48 CFR Part 2) defines the agency head as, among others, a ''chief official or assistant chief official of an executive agency'' and the ''Senior Procurement Executive'' as the individual responsible for the management direction of the acquisition system of the executive agency. Accordingly, this rule delegates to the Assistant Secretary for Administration the ability to carry out the duties and responsibilities of agency head for Departmental procurement and re-delegates this authority to DOT's Senior Procurement Executive. This authority excludes duties, responsibilities, and powers expressly reserved by statute or regulation.

Section 1421 of SARA amended the Office of Federal Procurement Policy Act to require the designation of a Chief Acquisition Officer (CAO) by the head of each executive agency. This rule reflects the Secretary's designation of the Deputy Secretary as DOT's CAO and the Assistant Secretary for Administration as the Deputy CAO, with the authority to re-delegate any CAO function. This rule also reflects the re-delegation to the Senior Procurement Executive, who resides within the Office of the Assistant Secretary for Administration, the authority to carry out the functions of agency head for departmental procurement, and the authority to carry out the functions of CAO, except for those expressly reserved for the Deputy Secretary in his role as CAO. Finally, this rule will reflect the issuance of DOT Order 1101.12B, dated May 17, 1999, which eliminated the Office of Acquisition and Grant Management, but retained the Senior Procurement Executive and some personnel.

This rule does not impose substantive requirements; it simply updates the CFR to accurately reflect the statutory and organizational posture of the Department. The rule is ministerial in nature and relates only to Departmental management, procedure, and practice as it relates to the acquisition function. Therefore, the Department has determined that notice and comment are unnecessary and that the rule is exempt from prior notice and comment requirements under 5 U.S.C. 553(b)(3)(A). These changes will not have substantive impact and the Department does not expect to receive substantive comments on the rule. Therefore, the Department finds that there is good cause under 5 U.S.C. 553 (d)(3) to make this rule effective upon publication pursuant to 5 U.S.C. 553(d)(2).

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

The final rule is not considered a significant regulatory action under Executive Order 12866 and the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). There are no costs associated with this rule.

B. Executive Order 13132

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999. This final rule does not have a substantial direct effect on, or sufficient federalism implications for, the States, nor would it limit the policymaking discretion of the States. Therefore, the consultation and funding requirements do not apply.

C. Executive Order 13084

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 (''Consultation and Coordination with Indian Tribal Governments''). Because this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose