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#### Authority and Signature

This document was prepared under the authority of Thomas M. Stohler, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, pursuant to sections 4, 6, and 8 of the OSH Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order 5-2007 (72 FR 31159), and 29 CFR Part 1911.

Signed at Washington, DC, on November 25, 2008.

**Thomas M. Stohler,**

*Acting Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E8-28608 Filed 12-1-08; 8:45 am]

BILLING CODE 4510-26-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 08-2544; MB Docket No. 08-230; RM-11504]

#### Television Broadcasting Services; Montgomery, AL

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a channel substitution proposed by Woods Communications Corporation ("Woods"), the licensee of WCOV-TV, analog channel 20, Montgomery, Alabama, and the permittee of WCOV-DT, post-transition DTV channel 16, Montgomery, Alabama. Woods requests the substitution of DTV channel 20 for post-transition DTV channel 16 at Montgomery.

**DATES:** Comments must be filed on or before January 2, 2009, and reply comments on or before January 16, 2009.

**ADDRESSES:** Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows:

Aaron P. Shainis, Esq., Shainis & Peltzman, Chartered, 1850 M Street, NW., Suite 210, Washington, DC 20036.

#### FOR FURTHER INFORMATION CONTACT:

Adrienne Y. Denysyk,  
[adrienne.denysyk@fcc.gov](mailto:adrienne.denysyk@fcc.gov), Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 08-230, adopted November 18, 2008, and released November 20, 2008. The full text of this document is available for public 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 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

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

Television, Television 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, 336.

#### § 73.622 [Amended]

2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Alabama, is amended by adding DTV channel 20 and removing DTV channel 16 at Montgomery.

Federal Communications Commission.

**Clay C. Pendarvis,**

*Associate Chief, Video Division, Media Bureau.*

[FR Doc. E8-28610 Filed 12-1-08; 8:45 am]

BILLING CODE 6712-01-P

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Part 536

[GSAR 2008-G509; Docket 2008-0007; Sequence 24]

RIN 3090-A181

#### General Services Administration Acquisition Regulation; GSAR 2008-G509; Rewrite of Part 536, Construction and Architect-Engineer Contracts

**AGENCY:** Office of the Chief Acquisition Officer, General Services Administration (GSA).

**ACTION:** Proposed rule.

**SUMMARY:** The GSA is proposing to amend the GSA Acquisition Regulation (GSAR) to revise the language that provides requirements for contracting construction and architect-engineer services.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat on or before February 2, 2009 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by GSAR Case 2008-G509 by any of the following methods:

- Regulations.gov: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "GSAR Case 2008-G509" under the heading "Comment or Submission". Select the link "Send a Comment or Submission" that corresponds with GSAR Case 2008-G509. Follow the instructions provided

to complete the "Public Comment and Submission Form." Please include your name, company name (if any), and "GSAR Case G2008-G509" on your attached document.

- Fax: 202-501-4067.
- Mail: General Services

Administration, Regulatory Secretariat (VPR), 1800 F Street, NW, Room 4041, ATTN: Laurieann Duarte, Washington, DC 20405.

**Instructions:** Please submit comments only and cite GSAR Case 2008-G509 in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT** For clarification of content, contact Ms. Cecelia L. Davis at (202) 219-0202. For information pertaining to the status or publication schedules, contact the Regulatory Secretariat (VPR), Room 4041, GS Building, Washington, DC 20405, (202) 501-4755. Please cite GSAR Case 2008-G509.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

The GSA is amending the GSAR to update the text addressing GSAR 536, Construction and Architect-Engineer Contracts, Subpart 536.1 General, Subpart 536.2 Special Aspects of Contracting for Construction, Subpart 536.5 Contract Clauses, and Subpart 536.6 Architect-Engineer Services. This rule is a result of the GSA Acquisition Manual (GSAM) Rewrite initiative undertaken by GSA to revise the GSAM to maintain consistency with the FAR and implement streamlined and innovative acquisition procedures that contractors, offerors, and GSA contracting personnel can utilize when entering into and administering contractual relationships. The GSAM incorporates the GSAR as well as internal agency acquisition policy.

The GSA will rewrite each part of the GSAR and GSAM, and as each GSAR part is rewritten, will publish it in the **Federal Register**.

This rule covers the rewrite of the GSAR portion of Part 536. The rule revises: 536.1 General, to add language at 536.101 to clarify the applicability of this part when contracting for construction and architect-engineer services and contracts for construction management services; Subpart 536.2, Special Aspects of Contracting for Construction, to replace "you" with "contracting officer" and "Their use" with "Use of" to ensure grammatical and structural clarity; to delete 536.270

(c), and move the prior coverage at paragraph (d) to paragraph(c) because the FAR coverage is adequate; to delete 536.271 because the underlying Executive Order is no longer in effect; Subpart 536.5 Contract Clauses, to delete clauses 552.236-72—Specialist, 552.236-74—Working hours, 552.236-75—Use of premises, 552.236-76—Measurements, 552.236-79—Samples, 552.236-80—Heat, and 552.236-81 - Use of Equipment by the Government, because the substance of the clauses is covered in the agency's technical specifications; to combine 552.236-78 - Shop Drawings, Coordination Drawings, and Schedules and 552.236-77 - Specifications and Drawings, into clause 552.236-77 to align with the FAR clause and revise the title of the clause; to delete 552.236-83 - Requirement for a Project Labor Agreement, because the underlying Executive Order is no longer in effect; through an appropriate deviation add new clause 552.236-XX - Project Schedule; for use in all solicitations and contracts, to replace FAR 52.236-15 Schedules for Construction Contracts, because the FAR clause does not sufficiently provide the protection needed by the agency; Subpart 536.6; to change "Commerce Business Daily" to "FedBizOpps," and delete section (d) as unnecessary based upon existing FAR coverage.

##### **Discussion of Comments**

One public comment was received in response to the Advanced Notice of Proposed Rulemaking. The comment addressed acquiring construction under FAR Part 12—Acquisition of Commercial Items. The GSA issued agency guidance on August 7, 2002, stating that from a policy standpoint that construction can be acquired using FAR Part 12 procedures. In an Office of Federal Procurement Policy memorandum dated July 3, 2003, it states: "For the reasons discussed below, FAR Part 12, as currently promulgated, should rarely, if ever, be used for new construction acquisitions or non-routine alteration and repair services. In accordance with long-standing practice, agencies should apply the policies of FAR Part 36 to these acquisitions." Additionally, some of the GSA regions are using FAR Part 12 to procure such things as sprinkler systems, painting projects, etc. The agency's guidance was never intended to include major construction (new buildings/courthouses, etc). The agency agrees that additional guidance regarding construction as it relates to FAR Part 12 should be addressed, and

may be considered in finalizing the rewrite of GSAR Part 512.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

##### **B. Regulatory Flexibility Act**

The GSA does not expect this proposed 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 revisions are not considered substantive. The revisions only update and reorganize existing coverage. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The GSA will consider comments from small entities concerning the affected GSAR Part 536 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (GSAR case 2008-G509), in correspondence.

##### **C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the proposed changes to the GSAM do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

##### **List of Subjects in 48 CFR Part 536**

Government procurement.

Dated: October 29, 2008

**Al Matera,**

*Director, Office of Acquisition Policy.*

Therefore, GSA proposes to amend 48 CFR part 536 as set forth below:

##### **PART 536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS**

1. The authority citation for 48 CFR part 536 continues to read as follows:

**Authority:** : 40 U.S.C. 121(c).

2. Revise section 536.101 to read as follows:

##### **536.101 Applicability.**

This part supplements FAR Part 36 policies and procedures applicable to contracting for construction and architect-engineer services. Contracts for construction management services are addressed in GSAM Part 537. If a requirement in this part is inconsistent with a requirement in another GSAR part, this part takes precedence.

3. Amend section 536.213–370 in paragraph (a) by revising the second and fourth sentences to read as follows:

**536.213–370 Bids that include alternates.**

(a) \* \* \* If it appears that funds available for a project may be insufficient to include all desired features in the base bid, the contracting officer may issue a solicitation for a base bid and include one or more alternates in the order of priority. \* \* \* Use of alternates must be limited and should involve only “add” alternates.

\* \* \* \* \*

4. Amend section 536.213–371 by revising paragraph (a) and the introductory text of (c) to read as follows:

**536.213–371 Bids that include options.**

(a) Subject to the limitations in paragraph (c) of this section, the contracting officer may include options in contracts if it is in the Government’s interest.

\* \* \* \* \*

(c) Contracting officer must not use options under any of the following conditions:

\* \* \* \* \*

**536.270 [Amended]**

5. Amend section 536.270 by removing paragraph (c) and redesignating paragraph (d) as (c).

**536.271 [Removed]**

6. Remove section 536.271.

**536.570–3 [Removed]**

7. Remove section 536.570–3.

**536.570–5 through 536.570–7 [Removed]**

8. Remove sections 536.570–5 through 536.570–7.

9. Revise section 536.570–8 to read as follows:

**536.570–8 Shop drawings and other submittals.**

Insert the clause at 552.236–77, Shop Drawings and Other Submittals, in solicitations and contracts if construction, dismantling, demolition, or removal of improvements is contemplated and the contract amount is expected to exceed the simplified acquisition threshold.

**536.570–9 through 536.570–12 [Removed]**

10. Remove sections 536.570–9 through 536.570–12.

**536.570–14 [Removed]**

11. Remove section 536.570–14.

12. Add section 536.570–XX to read as follows:

**536.570–XX Project Schedule.**

Insert the clause at 552.236–XX, Project Schedule, in solicitations and contracts instead of FAR 52.236–15, Schedules for Construction Contracts, if construction, dismantling, demolition, or removal of improvements is contemplated and the contract amount is expected to exceed the simplified acquisition threshold.

13. Amend section 536.602–1 by revising paragraphs (a)(2), (b) introductory text, (b)(1); and by removing paragraph (d). The revised text reads as follows:

**536.602–1 Selection criteria.**

(a) \* \* \*

(1) \* \* \*

(2) This factor must not exceed five percent of the total weight of all evaluation criteria. To receive the maximum score for this factor, the architect-engineer firm(s) must demonstrate that at least 35 percent of the architect-engineer contract services (based on the total contract price) will be accomplished within the geographical boundaries established for the project.

\* \* \* \* \*

(b) The notice posted in FedBizOpps for a proposed project must identify the general geographical area of the project by either:

(1) A radius in miles or other appropriate unit of measure; or

\* \* \* \* \*

[FR Doc. E8–28604 Filed 12–1–08; 8:45 am]

BILLING CODE 6820–61–S

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 1804 and 1852**

**RIN 2700–AD46**

**Information Technology (IT) Security**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Proposed Rule.

**SUMMARY:** NASA proposes to revise the NASA FAR Supplement (NFS) to update requirements related to Information Technology Security, consistent with Federal policies for the security of unclassified information and information systems. The rule imposes no new requirements. Its purpose is to more clearly define applicability, update procedural processes, eliminate the requirement for contractor personnel to meet the NASA System Security Certification Program, and provide a Web site link within a contract clause to a library where contractors can find all

underlying regulations and referenced documents.

**DATES:** Interested parties should submit comments on or before February 2, 2009 to be considered in formulation of the final rule.

**ADDRESSES:** Interested parties may submit comments, identified by RIN number 2700–AD46, via the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Comments may also be submitted to Ken Stepka (Mail Stop 5P86), NASA Headquarters, Office of Procurement, Contract Analysis Division, Washington, DC 20546. Comments may also be submitted by e-mail to [ken.stepka@nasa.gov](mailto:ken.stepka@nasa.gov).

**FOR FURTHER INFORMATION CONTACT:** Ken Stepka, NASA, Office of Procurement, Contract Analysis Division (Suite 5P86); (202) 358–0492; e-mail: [ken.stepka@nasa.gov](mailto:ken.stepka@nasa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Safety and security issues related to information technology are constantly arising and Federal and Agency policy in this area is evolving. This rule clarifies NASA’s implementation of The Federal Information Security Management Act (FISMA) of 2002, Homeland Security Presidential Directive (HSPD) 12, Clinger-Cohen Act of 1996 (40 U.S.C. 1401 *et seq.*), OMB Circular A–130, Management of Federal Information Resources, and the National Institute of Standards and Technology (NIST) security requirements and standards. The revisions herein delete specific personnel qualification standards, and generally clarify the process by which NASA protects information and ensures that the Federal requirements are met.

This is not a significant regulatory action and, therefore, is not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This proposed rule is not a major rule under 5 U.S.C. 804.

**B. Regulatory Flexibility Act**

NASA certifies that this proposed rule will not 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 it does not impose any new requirements. The rule may result in time savings, thereby reducing the economic impact to small entities because all contract requirements are being centralized at one easy-to-locate site.