

WCS licensees that intend to modify an existing base station must, before commencing such modified operation, provide 5 business days prior notice to all SDARS licensees. For the purposes of this section, a business day is defined by § 1.4(e)(2) of this chapter.

(c) *Contents of notice.* (1) Notification must be written (e.g., certified letter, fax, or e-mail) and include the licensee's name, and the name, address, and telephone number of its coordination representative, unless the SDARS licensee and all potentially affected WCS licensees reach a mutual agreement to provide notification by some other means. WCS licensees and SDARS licensees may establish such a mutually agreeable alternative notification mechanism without prior Commission approval, provided that they comply with all other requirements of this section.

(2) Regardless of the notification method, it must specify relevant technical details, including, at a minimum:

(i) The coordinates of the proposed base station to an accuracy of no less than  $\pm 1$  second latitude and longitude;

(ii) The proposed operating power(s), frequency band(s), and emission(s);

(iii) The antenna center height above ground and ground elevation above mean sea level, both to an accuracy of no less than  $\pm 1$  meter;

(iv) The antenna gain pattern(s) in the azimuth and elevation planes that include the peak of the main beam; and

(v) The antenna downtilt angle(s).

(3) A WCS licensee operating base stations must maintain an accurate and up-to-date inventory of its base stations, including the information set forth in § 27.72(c)(2), which shall be available upon request by the Commission.

(d) *Calculation of notice period.* Notice periods are calculated from the date of receipt by the licensee being notified. If notification is by mail, the date of receipt is evidenced by the return receipt on certified mail. If notification is by fax, the date of receipt is evidenced by the notifying party's fax transmission confirmation log. If notification is by e-mail, the date of receipt is evidenced by a return e-mail receipt. If the SDARS licensee and all potentially affected WCS licensees reach a mutual agreement to provide notification by some other means, that agreement must specify the method for determining the beginning of the notice period.

(e) *Duty to cooperate.* WCS licensees must cooperate in good faith in the selection and use of new station sites and new frequencies to reduce interference and make the most effective

use of the authorized facilities. WCS licensees should provide SDARS licensees as much lead time as practicable to provide ample time to conduct analyses and opportunity for prudent base station site selection prior to WCS licensees entering into real estate and tower leasing or purchasing agreements. WCS licensees must have sufficient operational flexibility in their network design to implement one or more technical solutions to remedy harmful interference. Licensees of stations suffering or causing harmful interference must cooperate in good faith and resolve such problems by mutually satisfactory arrangements. If the licensees are unable to do so, the Wireless Telecommunications Bureau, in consultation with the Office of Engineering and Technology and the International Bureau, will consider the actions taken by the parties to mitigate the risk of and remedy any alleged interference. In determining the appropriate action, the Bureau will take into account the nature and extent of the interference and act promptly to remedy the interference. The Bureau may impose restrictions on WCS licensees, including specifying the transmitter power, antenna height, or other technical or operational measures to remedy the interference, and will take into account previous measures by the licensees to mitigate the risk of interference.

14. Section 27.73 is added to read as follows:

**§ 27.73 WCS, AMT, and Goldstone coordination requirements.**

This section requires Wireless Communications Services (WCS) licensees in the 2345–2360 MHz band to coordinate the deployment of base stations with Aeronautical Mobile Telemetry (AMT) facilities in the 2360–2395 MHz band; and to take all practicable steps necessary to minimize the risk of harmful interference to AMT facilities.

(a) Wireless Communications Service (WCS) licensees operating base stations in the 2345–2360 MHz band shall, prior to operation of such base stations, achieve a mutually satisfactory coordination agreement with the Aerospace and Flight Test Radio Coordinating Council (AFTRCC) for any AMT receiver facility within 45 kilometers or the radio line of sight, whichever distance is larger, of the intended WCS base station location. This coordination is necessary to protect AMT receive systems consistent with Recommendation ITU-R M.1459. The locations of the current and planned

Federal and non-Federal AMT receiver sites may be obtained from AFTRCC.

(b) WCS licensees operating base stations in the 2305–2320 MHz band shall, prior to operation of such base stations, achieve a mutually satisfactory coordination agreement with the National Aeronautics and Space Administration (NASA) within 145 kilometers of the Goldstone, CA earth station site (35°25'33" N, 116°53'23" W).

(c) After base station operations commence, upon receipt of a complaint of harmful interference, the WCS licensee(s) receiving the complaint, no matter the distance from the NASA Goldstone, CA earth station or from an AMT site, operating in the 2305–2320 or 2345–2360 MHz bands, respectively, shall take all practicable steps to immediately eliminate the interference.

(d) *Duty to cooperate.* WCS licensees, AFTRCC, and NASA must cooperate in good faith in the coordination and deployment of new facilities. WCS licensees must also cooperate in good faith in the selection and use of new station sites and new frequencies when within radio line of site of AMT receiver facilities to reduce the risk of harmful interference and make the most effective use of the authorized facilities.

Licensees of stations suffering or causing harmful interference must cooperate in good faith and resolve such problems by mutually satisfactory arrangements. If the licensees are unable to do so, the Wireless Telecommunications Bureau, in consultation with the Office of Engineering and Technology and the National Telecommunications and Information Administration may impose restrictions including specifying the transmitter power, antenna height, or area or hours of operation of the stations.

[FR Doc. 2010–18803 Filed 7–30–10; 8:45 am]

BILLING CODE 6712–01–P

**DEPARTMENT OF DEFENSE**

**Defense Federal Acquisition Regulations System**

**48 CFR Parts 205, 207, 208, 209, 211, 215, 216, 217, 219, 225, 228, 232, 237, 246, 250, and 252**

**RIN 0750–AG41**

**Defense Federal Acquisition Regulation Supplement; Inflation Adjustment of Acquisition-Related Thresholds (DFARS Case 2009–D003)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the recurring requirement of section 807 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. Section 807 provides for adjustment every 5 years of statutory acquisition-related thresholds, except for Davis-Bacon Act, Service Contract Act, and trade agreements thresholds. This final rule also adjusts some non-statutory acquisition-related thresholds.

**DATES:** *Effective Date:* October 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, 703-602-0328.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The first review of DFARS acquisition-related thresholds to implement section 807 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375) was conducted under DFARS Case 2004-D022 during fiscal year 2005. The final DFARS rule was published in the **Federal Register** on December 19, 2006 (71 FR 75891).

This is the second review of DFARS acquisition-related thresholds. DoD published a proposed rule on January 20, 2010 (75 FR 3187). The preamble to the proposed rule contained a detailed explanation of—

- What an acquisition-related threshold is;
- Which acquisition-related thresholds are not subject to escalation adjustment under this case; and
- How DoD analyzes statutory and non-statutory acquisition-related thresholds.

No public comments were received.

This rule was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

**B. Regulatory Flexibility Act**

DoD certifies that this rule will not have a substantial economic impact on small business because the adjustment of acquisition-related thresholds for inflation just maintains the status quo. No comments were received regarding impact on small business.

**C. Paperwork Reduction Act**

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

information collection requirements at the status quo by adjusting the thresholds for inflation:

0704-0229—Defense Federal Acquisition Regulation Supplement Part 225, Foreign Acquisition, and Related Clauses at 252.225. (DFARS 252.225-7003, 252.225-7004, 252.225-7006)

0704-0187—Information Collection in Support of the DoD Acquisition Process (Solicitation Phase) (DFARS 252.209-7001 and 252.209-7004)

**List of Subjects in 48 CFR Parts 205, 207, 208, 209, 211, 215, 216, 217, 219, 225, 228, 232, 237, 246, 250, and 252**

Government procurement.

**Ynette R. Shelkin,**

*Editor, Defense Acquisition Regulations System.*

■ Therefore, 48 CFR parts 205, 207, 208, 209, 211, 215, 216, 217, 219, 225, 228, 232, 237, 246, 250, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 205, 207, 208, 209, 211, 215, 216, 217, 219, 225, 228, 232, 237, 246, 250, and 252 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR chapter 1.

**PART 205—PUBLICIZING CONTRACT ACTIONS**

**§ 205.303 [Amended]**

■ 2. Section 205.303 is amended by removing “\$5.5 million” and adding in its place “\$6.5 million” in the following places:

- a. In paragraph (a)(i) introductory text, in the first and second sentences;
- b. In paragraph (a)(i)(A), in the second sentence; and
- c. In paragraph (a)(i)(B), in the first and second sentences.

**PART 207—ACQUISITION PLANNING**

**207.170-3 [Amended]**

■ 3. Section 207.170-3 is amended in paragraph (a) introductory text by removing “\$5.5 million” and adding in its place “\$6 million”.

**PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES**

**208.405-70 [Amended]**

■ 4. Section 208.405-70 is amended by removing “\$100,000” and adding in its place “\$150,000” in the following places:

- a. Paragraph (b) in the introductory text; and
- b. Paragraph (c) in the introductory text.

**PART 209—CONTRACTOR QUALIFICATIONS**

**209.104-1 [Amended]**

■ 5. Section 209.104-1 is amended in paragraph (g)(i)(A) introductory text by removing “\$100,000” and adding in its place “\$150,000”.

**209.104-70 [Amended]**

■ 6. Section 209.104-70 is amended in paragraph (a) by removing “\$100,000” and adding in its place “\$150,000”.

**209.409 [Amended]**

■ 7. Section 209.409 is amended by removing “\$100,000” and adding in its place “\$150,000”.

**PART 211—DESCRIBING AGENCY NEEDS**

**211.503 [Amended]**

■ 8. Section 211.503 is amended in paragraph (b), in the first and second sentences, by removing “\$550,000” and adding in its place “\$650,000”.

**PART 215—CONTRACTING BY NEGOTIATION**

**215.407-2 [Amended]**

■ 9. Section 215.407-2 is amended in paragraph (e)(1) by removing “\$1 million” and adding in its place “\$1.5 million”.

**PART 216—TYPES OF CONTRACTS**

**216.505-70 [Amended]**

■ 10. Section 216.505-70 is amended by removing “\$100,000” and adding in its place “\$150,000” in the following places:

- a. In paragraph (a)(2);
- b. In paragraph (b) introductory text; and
- c. In paragraph (c) introductory text.

**PART 217—SPECIAL CONTRACTING METHODS**

■ 11. Section 217.170 is amended by revising paragraph (e)(1)(i) to read as follows:

**217.170 General.**

\* \* \* \* \*

(e)(1) \* \* \*  
(i) Exceed \$500 million for supplies (see 217.172(d); and 217.172(f)(3)) or \$625.5 million for services (see 217.171(a)(6);

\* \* \* \* \*

**217.171 [Amended]**

■ 12. Section 217.171 is amended in paragraph (a)(6) by removing “\$572.5 million” and adding in its place “\$625.5 million”.

**PART 219—SMALL BUSINESS PROGRAMS**

■ 13. Section 219.201 is amended by revising paragraph (d)(10)(A) to read as follows:

**219.201 General policy.**

(d) \* \* \*

(10) \* \* \*

(A) Reviewing and making recommendations for all acquisitions (including orders placed against Federal Supply Schedule contracts) over \$10,000, except those under the simplified acquisition threshold that are totally set aside for small business concerns in accordance with FAR 19.502–2. Follow the procedures at PGI 219.201(d)(10) regarding such reviews.

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**219.502–1 [Amended]**

■ 14. Section 219.502–1 is amended in paragraph (2) by removing “\$300,000” and adding in its place “\$350,000”.

**219.502–2 [Amended]**

■ 15. Section 219.502–2 is amended in paragraphs (a)(ii) and (a)(iii) by:

- a. Removing “\$1 million” from paragraph (a)(ii) and adding in its place “\$1.5 million”; and
- b. Removing “\$300,000” from paragraph (a)(iii) and adding in its place “\$350,000”.

**219.1005 [Amended]**

■ 16. Section 219.1005 is amended in paragraphs (a)(i)(B), (a)(i)(C), and (a)(i)(D) by removing “\$300,000” and adding in its place “\$350,000”.

**PART 225—FOREIGN ACQUISITION****225.103 [Amended]**

■ 17. Section 225.103 is amended in paragraphs (a)(ii)(B)(2), (a)(ii)(B)(3), (b)(ii)(B), and (b)(ii)(C) by removing “\$1,000,000” and adding in its place “\$1.5 million”.

**225.7204 [Amended]**

■ 18. Section 225.7204 is amended as follows:

- a. In paragraphs (a) and (b) by removing “\$11.5 million” and adding in its place “\$12.5 million”.

■ b. In paragraph (c) by removing “\$550,000” and adding in its place “\$650,000”.

**225.7703–2 [Amended]**

■ 19. Section 225.7703–2 is amended in paragraphs (b)(2)(i) and (b)(2)(ii) by removing “\$78.5 million” and adding in its place “\$85.5 million”.

**PART 228—BONDS AND INSURANCE****228.102–1 [Amended]**

■ 20. Section 228.102–1 is amended in paragraph (1) by removing “\$100,000” and adding in its place “\$150,000”.

**PART 232—CONTRACT FINANCING****232.404 [Amended]**

■ 21. Section 232.404 is amended in paragraph (a)(9) by removing “\$3,000” and adding in its place “the micro-purchase threshold”.

**232.502–1 [Amended]**

■ 22. Section 232.502–1 is amended in paragraph (b)(1) by removing “\$55,000” and adding in its place “\$65,000”.

**PART 237—SERVICE CONTRACTING****237.170–2 [Amended]**

■ 23. Section 237.170–2 is amended in paragraphs (a)(1) and (2) by removing “\$78.5 million” and adding in its place “\$85.5 million”.

**PART 246—QUALITY ASSURANCE****246.402 [Amended]**

■ 24. Section 246.402 is amended in the introductory text by removing “\$250,000” and adding in its place “\$300,000”.

**PART 250—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT****250.102–1**

■ 25. Section 250.102–1 is amended in paragraph (b) by removing “\$55,000” and adding in its place “\$65,000”.

**250.102–1–70 [Amended]**

■ 26. Section 250.102–1–70 is amended in paragraph (b)(1) by removing “\$55,000” and adding in its place “\$65,000”.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES****252.211–7000 [Amended]**

■ 27. Section 252.211–7000 is amended as follows:

■ a. By revising the clause date to read “(OCT 2010)”; and

■ b. In paragraph (d) by removing “\$1 million” and adding in its place “\$1.5 million”.

**252.225–7003 [Amended]**

■ 28. Section 252.225–7003 is as follows:

■ a. By revising the clause date to read “(OCT 2010)”; and

■ b. In paragraph (b)(1) by removing “\$11.5 million” and adding in its place “\$12.5 million”; and

■ c. In paragraph (b)(2)(i) by removing “\$550,000” and adding in its place “\$650,000”.

**252.225–7004 [Amended]**

■ 29. Section 252.225–7004 is amended as follows:

■ a. By revising the clause date to read “(OCT 2010)”; and

■ b. In paragraph (b)(1) by removing “\$550,000” and adding in its place “\$650,000”.

**252.225–7006 [Amended]**

■ 30. Section 252.225–7006 is amended as follows:

■ a. By revising the clause date to read “(OCT 2010)”; and

■ b. In paragraph (f)(1) by removing “\$550,000” and adding in its place “\$650,000”.

**252.249–7002 [Amended]**

■ 31. Section 252.249–7002 is amended as follows:

■ a. By revising the clause date to read “(OCT 2010)”; and

■ b. In paragraph (d)(1) by removing “\$550,000” and adding in its place “\$650,000”; and

■ c. In paragraphs (d)(2)(i) and (ii) by removing “\$100,000” and adding in its place “\$150,000”.

[FR Doc. 2010–18738 Filed 7–30–10; 8:45 am]

BILLING CODE 5001–08–P