

**§ 423.60 How special use areas are designated.**

(a) \* \* \*

(1) Establish special use areas within Reclamation facilities, lands, or waterbodies for application of reasonable schedules of visiting hours; public use limits; and other conditions, restrictions, allowances, or prohibitions on particular uses or activities that vary from the provisions of subpart C of this part, except § 423.28(a); and

\* \* \* \* \*

■ 14. Revise § 423.63 to read as follows:

**§ 423.63 Existing special use areas.**

Areas where rules were in effect on April 17, 2006, that differ from the rules set forth in subpart C of this part are considered existing special use areas, and such differing rules remain in effect to the extent allowed by subpart A of this part, and to the extent they are consistent with § 423.28(a). For those existing special use areas, compliance with §§ 423.60 through 423.62 is not required until the rules applicable in those special use areas are modified or terminated.

**Michael Brain,**

*Principal Deputy Assistant Secretary for Water and Science.*

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[MB Docket No. 23-287; RM-11961; DA 23-1055; FR ID 184580]

**Television Broadcasting Services Idaho Falls, Idaho**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Video Division, Media Bureau (Bureau), has before it a Notice of Proposed Rulemaking issued in response to a Petition for Rulemaking filed by NPG of Idaho, Inc. (Petitioner), the licensee of station KIFI-TV (KIFI or Station), channel 8, Idaho Falls, Idaho (Idaho Falls). The Petitioner has requested the substitution of UHF channel 18 for VHF channel 8 in the Table of TV Allotments. The Petitioner filed comments in support of the petition, as required by the Commission's rules (rules), reaffirming its commitment to apply for channel 18.

**DATES:** Effective November 21, 2023.

**FOR FURTHER INFORMATION CONTACT:**

Joyce Bernstein, Media Bureau, at (202) 418-1647 or [Joyce.Bernstein@fcc.gov](mailto:Joyce.Bernstein@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The proposed rule was published at 88 FR 60612 on September 5, 2023. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel 18. No other comments were received.

The Bureau believes the public interest would be served by substituting channel 18 for channel 8 at Idaho Falls, Idaho. In support of its channel substitution request, the Petitioner states that KIFI has received numerous complaints about reception of its channel 8 facility since the end of the DTV transition in 2009, and that the channel substitution will serve the public interest by resolving the reception issues currently experienced by viewers in the Station's service area and expanding the availability of reliable, free over-the-air network television service within the Station's market. In this regard, the Petitioner notes that the Commission has recognized that VHF channels pose challenges in providing digital television service, including propagation characteristics in the band that allow undesired signals and noise to interfere at relatively farther distances compared to UHF channels, and for nearby electrical devices to cause interference. Therefore, many current viewers within the Station's noise limited service contour who do not currently receive the Station will be able to do so once the channel substitution is implemented. Moreover, when using the Commission's *TVStudy* software tool, the proposed channel 18 facility will create a predicted service loss of only 327 persons, which the Petitioner asserts is *de minimis*.

As proposed, channel 18 can be substituted for channel 8 at Idaho Falls in compliance with the principal community coverage requirements of section 73.625(a) of the rules, at coordinates 43°30'04.0" N and 112°39'46.0" W. In addition, we find that this channel change meets the technical requirements set forth in sections 73.616 and 73.623 of the rules with the following specifications. Although the Petitioner's proposal would result in a loss of programming to a limited number of viewers, we find that the overall benefits of the proposed channel change in resolving reception issues outweighs any possible harm to the public interest. When taking into account terrain, the Petitioner's proposal would result in a loss of service to 327 persons, which the

Commission considers to be a *de minimis* loss of service.

This is a synopsis of the Commission's *Report and Order*, MB Docket No. 23-287; RM-11961; DA 23-1055, adopted November 7, 2023, and released November 7, 2023. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This document does not contain 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, 5 U.S.C. 601-612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 73**

Television.

Federal Communications Commission.

**Thomas Horan,**

*Chief of Staff, Media Bureau.*

**Final Rule**

For the reasons discussed in the preamble, the Federal Communications Commission amends 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, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622(j), amend the Table of TV Allotments, under Idaho, by revising the entry for Idaho Falls to read as follows:

**§ 73.622 Digital television table of allotments.**

\* \* \* \* \*

(j) \* \* \*

Community	Channel No.
* * * * *	* * * * *
<b>Idaho</b>	
* * * * *	* * * * *
Idaho Falls .....	18, 20, 36.
* * * * *	* * * * *
[FR Doc. 2023-25393 Filed 11-20-23; 8:45 am]	
BILLING CODE 6712-01-P	

**DEPARTMENT OF COMMERCE**

**National Telecommunications and Information Administration**

**47 CFR Part 300**

[Docket Number 230921-0231]

RIN 0660-AA39

**Manual of Regulations and Procedures for Federal Radio Frequency Management**

**AGENCY:** National Telecommunications and Information Administration (NTIA), Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA) is making certain changes to its regulations relating to the public availability of the Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual). NTIA has the authority, delegated by the president, to assign frequencies to radio stations or classes of radio stations belonging to and operated by the United States. NTIA’s manual reflects this authority and provides for the coordination of Executive branch agencies’ spectrum management and coordination. Specifically, NTIA is releasing a revised edition of the NTIA Manual, with which Federal agencies must comply when requesting use of radio frequency spectrum.

**DATES:** *Effective:* November 21, 2023. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of November 21, 2023.

**ADDRESSES:** A reference copy of the NTIA Manual, including all revisions in effect, is available in the Office of Spectrum Management, 1401 Constitution Avenue NW, Room 1087, Washington, DC 20230 and online at <https://ntia.gov/publications/redbook-manual>.

**FOR FURTHER INFORMATION CONTACT:**

Alan Frable, Office of Spectrum Management, at (202) 482-1670 or [afrable@ntia.gov](mailto:afrable@ntia.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background and Incorporation by Reference**

NTIA authorizes the U.S. Government’s use of radio frequency spectrum. 47 U.S.C. 902(b)(2)(A). As part of this authority, NTIA developed the NTIA Manual to provide further guidance to applicable Federal agencies on the use of the radio frequency spectrum for radio transmissions for telecommunications or for other purposes. The NTIA Manual is the compilation of policies and procedures that govern the use of the radio frequency spectrum by the U.S. Government. Federal Government agencies are required to follow these policies and procedures in their use of spectrum. Part 300 of title 47 of the Code of Federal Regulations (CFR) provides information about the process by which NTIA regularly revises the NTIA Manual and makes public this document and all revisions. Federal agencies are required to comply with the specifications in the NTIA Manual when requesting frequency assignments. See 47 U.S.C. 901 *et seq.*, Executive Order 12046 (March 27, 1978), 43 FR 13349, 3 CFR, 1978 Comp., p. 158. This rule updates § 300.1 of title 47 of the Code of Federal Regulations to specify the edition of the NTIA Manual with which Federal agencies must comply when requesting frequency assignments. This rule amends the section by incorporating by reference the 2023 edition of the NTIA Manual. Upon the effective date of this rule, Federal agencies must comply with the requirements set forth in the 2023 edition of the NTIA Manual. The NTIA Manual is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, by referring to Catalog Number 903-008-00000-8, and online at <https://ntia.gov/publications/redbook-manual>. The material is available from: Commerce Department, National Telecommunications and Information Administration, Office of Spectrum Management, 1401 Constitution Avenue NW, Washington, DC 20230, <https://ntia.gov/publications/redbook-manual>; and Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, <https://bookstore.gpo.gov/> (reference Catalog Number 903-008-00000-8).

**II. Paperwork Reduction Act**

This action does not contain collection of information requirements subject to the Paperwork Reduction Act (PRA). Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the Paperwork Reduction Act unless that collection displays a currently valid Office of Management and Budget (OMB) Control Number.

**III. Executive Order 12866**

This rule has been determined to be not significant for purposes of Executive Order 12866.

**IV. Administrative Procedure Act and Regulatory Flexibility Act**

NTIA finds good cause under 5 U.S.C. 553(b)(3)(B) to waive prior notice and opportunity for public comment as it is unnecessary. This action merely amends the regulations to include the date of the most current edition of the NTIA Manual. These changes do not impact the rights or obligations to the public. The NTIA Manual applies only to Federal agencies. Because these changes impact only Federal agencies, and has no other substantive impact, NTIA finds it unnecessary to provide for the notice and comment requirements of 5 U.S.C. 553. NTIA finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for the same reasons provided above. Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

**V. Executive Order 13132**

This rule does not contain policies having federalism implications as that term is defined in Executive Order 13132.

**List of Subjects in 47 CFR Part 300**

Communications, Incorporation by reference, Radio.

For the reasons set forth in the preamble, NTIA amends 47 CFR part 300 as follows:

**PART 300—MANUAL OF REGULATIONS AND PROCEDURES FOR FEDERAL RADIO FREQUENCY MANAGEMENT**

- 1. The authority citation for part 300 continues to read as follows: