

(A) The use of such signals shall not result in significant degradation to any portion of the visual, aural, or program-related data (closed captioning) signals of the television broadcast station;

(B) No increase in width of the television broadcast channel (6 MHz) is permitted. Emissions outside the authorized television channel must not exceed the limitations given in § 73.687(e). Interference to reception of television service either of co-channel or adjacent channel stations must not increase over that resulting from the transmission of programming without inserted data; and

(C) Where required, system receiving or decoding devices must meet the TV interface device provisions of Part 15, Subpart H of this chapter.

(iv) No protection from interference of any kind will be afforded to reception of inserted non-video data.

(v) Upon request by an authorized representative of the Commission, the licensee of a TV station transmitting encoded programming must make available a receiving decoder to the Commission to carry out its regulatory responsibilities.

\* \* \* \* \*

5. Section 73.1207 is amended by revising paragraph (b)(2) to read as follows:

**§ 73.1207 Rebroadcasts.**

\* \* \* \* \*

(b) \* \* \*

(2) Permission must be obtained from the originating station to rebroadcast any subsidiary communications transmitted by means of a multiplex subcarrier or telecommunications service on the vertical blanking interval or in the visual signal of a television signal.

\* \* \* \* \*

6. Section 73.3613 is amended by revising paragraph (e) to read as follows:

**§ 73.3613 Filing of contracts.**

\* \* \* \* \*

(e) The following contracts, agreements or understandings need not be filed but shall be kept at the station and made available for inspection upon request by the FCC: contracts relating to the sale of television broadcast time to "time brokers" for resale; subchannel leasing agreements for Subsidiary Communications Authorization operation; franchise/leasing agreements for operation of telecommunications services on the TV vertical blanking interval and in the visual signal; time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs and

special events) broadcast pursuant to the contract is not under control of the station; and contracts with chief operators.

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## DEPARTMENT OF DEFENSE

### 48 CFR Part 231

[DFARS Case 96-D314]

#### Defense Federal Acquisition Regulation Supplement; Individual Compensation

**AGENCY:** Department of Defense (DoD).

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8086 of Public Law 104-61 by placing a ceiling on allowable individual compensation under DoD contracts that are awarded after July 1, 1996, when payments are from funds appropriated in fiscal year 1996.

**DATES:** *Effective date:* July 10, 1996.

*Comment date:* Comments on the interim rule should be submitted in writing to the address shown below on or before September 9, 1996, to be considered in the formulation of the final rule.

**ADDRESSES:** Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 96-D314 in all correspondence related to this issue.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandra G. Haberlin, (703) 602-0131.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Section 8086 of the National Defense Appropriations Act for Fiscal Year 1996 (Pub. L. 104-61) limits allowable costs for individual compensation to \$200,000 per year unless the Office of Federal Procurement Policy (OFPP) establishes in the Federal Acquisition Regulations guidance governing the allowability of individual compensation. On June 10, 1996, OFPP advised that it has determined that it will not alter the \$200,000 ceiling on allowable individual compensation costs contained in the Public Law. This

restriction applies to DoD contracts awarded after July 1, 1996, when payments are from funds appropriated in fiscal year 1996.

The interim DFARS rule amends DFARS Subpart 231.2, Contracts with Commercial Organizations; Subpart 231.3, Contracts with Educational Institutions; Subpart 231.6, Contracts with State, Local, and Federally Recognized Indian Tribal Governments; and Subpart 231.7, Contracts with Nonprofit Organizations, to implement the statutory ceiling on allowable individual compensation costs. In supplementing the cost principle at FAR 31.205-6, this DFARS rule relies upon the definition of compensation found in the FAR cost principle.

##### B. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Compelling reasons exist to promulgate this rule without prior opportunity for public comment. This rule implements Section 8086 of the National Defense Appropriations Act for Fiscal Year 1996 (Pub. L. 104-61) and applies to all DoD contracts issued after July 1, 1996. An interim rule is necessary to ensure that DoD contracting activities become aware of the statutory ceiling on allowable individual compensation costs when forward pricing contracts which will be awarded after July 1, 1996, using fiscal year 1996 funds. However, comments received in response to the publication of this interim rule will be considered in formulating the final rule.

##### C. Regulatory Flexibility Act

The interim rule is not expected 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 most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive, fixed-price basis, and therefore the cost principles do not apply. In addition, this interim DFARS rule applies only to DoD contractors who incur individual compensation costs in excess of \$200,000 per year in performing new contracts awarded after July 1, 1996, using funds appropriated in fiscal year 1996. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts will also be considered in accordance with Section 610 of the Act. Such comments must be submitted

separately and cite 5 U.S.C. 601, *et seq.* (DFARS Case 96-D314), in correspondence.

#### D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (Pub. L. 104-13) does not apply because the interim rule does not impose any additional reporting or recordkeeping requirements which 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 231

Government procurement.

Michele P. Peterson,  
*Executive Editor, Defense Acquisition  
Regulations Council.*

Therefore, 48 CFR Part 231 is amended as follows:

1. The authority citation for 48 CFR Part 231 continues to read as follows:

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

#### PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 231.205-6 is amended by revising paragraph (a)(2) to read as follows:

##### **231.205-6 Compensation for personal services.**

(a)(2)(i) Costs for individual compensation in excess of \$250,000 per year are unallowable under DOD contracts that are awarded after April 15, 1995, and are funded by fiscal year 1995 appropriations (Section 8117 of Pub. L. 103-335).

(ii) Costs for individual compensation in excess of \$200,000 per year are unallowable under DOD contracts that are awarded after July 1, 1996, and are funded by fiscal year 1996 appropriations (Section 8086 of Pub. L. 104-61).

\* \* \* \* \*

3. Section 231.303 is amended by revising paragraph (3) to read as follows:

##### **231.303 Requirements.**

\* \* \* \* \*

(3) The limitations on allowable individual compensation at 231.205-6(a)(2) (i) and (ii) also apply to this subpart.

4. Section 231.603 is revised to read as follows:

##### **231.603 Requirements.**

The limitations on allowable individual compensation at 231.205-6(a)(2) (i) and (ii) also apply to this subpart.

5. Section 201.703 is revised to read as follows:

##### **231.703 Requirements.**

The limitations on allowable individual compensation at 231.205-6(a)(2) (i) and (ii) also apply to this subpart.

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 960129019-6019-01; I.D. 070596A]

#### Fisheries of the Exclusive Economic Zone off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Closure.

**SUMMARY:** NMFS is closing the directed fishery for Atka mackerel in the Eastern Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the total allowable catch of Atka mackerel in this area.

**EFFECTIVE DATE:** 1200 hrs, Alaska local time (A.l.t.), July 8, 1996, until 2400 hrs, A.l.t., December 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery

Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR part 679 and at subpart H of 50 CFR part 600.

The total allowable catch of Atka mackerel for the Eastern Aleutian District and Bering Sea subarea was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) for the BSAI and subsequent reserve apportionment (61 FR 16085, April 11, 1996) as 26,700 metric tons (mt). (See § 679.20(c)(3)(iii).) As of June 8, 1996, 6,014 mt remain. The directed fishery for Atka mackerel in the Eastern Aleutian District and Bering Sea subarea was closed under § 679.20(d)(iii) on February 14, 1996, (61 FR 6323, February 20, 1996); see also § 679.20(d)(1) and opened on July 1, 1996 (61 FR 33046, June 26, 1996; see also § 679.25(a).)

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 679.20(d)(1)(iii), that the Atka mackerel total allowable catch in the Eastern Aleutian District and Bering Sea subarea soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 26,200 mt after determining that 500 mt will be taken as incidental catch in directed fishing for other species in the Eastern Aleutian District and Bering Sea subarea. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and Bering Sea subarea.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e).

#### Classification

This action is taken under § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 5, 1996.

Donald J. Leedy,

*Acting Office Director, Office of Fisheries  
Conservation and Management, National  
Marine Fisheries Service.*

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