

1919 M Street, N.W., Room 246, or 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

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

Radio broadcasting.

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: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### **§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Keaau, Channel 286C2.

Federal Communications Commission

John A. Karousos,

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 96-28441 Filed 11-5-96; 8:45 am]

BILLING CODE 6712-01-P

#### **47 CFR Part 73**

[MM Docket No. 96-163; RM-8841]

#### **Radio Broadcasting Services; Clifton, TN**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of D. Mitchell Self Broadcasting, Inc., allots Channel 293A to Clifton, Tennessee, as the community's first local aural transmission service. See 61 FR 42230, August 14, 1996. Channel 293A can be allotted to Clifton in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.6 kilometers (6.6 miles) northwest in order to avoid a short-spacing conflict with the licensed site of Station WBTG (FM), Channel 292C3, Sheffield, Alabama. The coordinates for Channel 293A at Clifton are 35-28-01 and 88-03-11. With this action, this proceeding is terminated.

**DATES:** Effective December 9, 1996. The window period for filing applications will open on December 9, 1996, and close on January 9, 1997.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 96-163, adopted October 18, 1996, and released

October 25, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

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

Radio broadcasting.

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: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### **§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by adding Clifton, Channel 293A.

Federal Communications Commission

John A. Karousos,

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 96-28438 Filed 11-5-96; 8:45 am]

BILLING CODE 6712-01-P

#### **47 CFR Part 73**

[MM Docket No. 96-156; RM-8840]

#### **Radio Broadcasting Services; Limon, CO**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 229A to Limon, Colorado, as that community's second local FM transmission service, in response to a petition filed on behalf of Roger L. Hoppe, II. See 61 FR 40774, August 6, 1996. Coordinates used for Channel 229A at Limon, Colorado, are North Latitude 39-15-36 and West Longitude 103-41-12. With this action, the proceeding is terminated.

**DATES:** Effective December 9, 1996. The window period for filing applications for Channel 229A at Limon, Colorado, will open on December 9, 1996, and close on January 9, 1997.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for

Channel 229A at Limon, Colorado, should be addressed to the Audio Services Division, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 96-156, adopted October 18, 1996, and released October 25, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, N.W., Room 246, or 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

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

Radio broadcasting.

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: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### **§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Channel 229A at Limon.

Federal Communications Commission

John A. Karousos,

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 96-28443 Filed 11-5-96; 8:45 am]

BILLING CODE 6712-01-P

#### **ENVIRONMENTAL PROTECTION AGENCY**

**48 CFR Parts 1501, 1503, 1509, 1510, 1511, 1512, 1513, 1516, 1519, 1527, 1532, 1533, 1535, 1542 and 1552**

[FRL-5632-4]

#### **Acquisition Regulation; Administrative Changes**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** This document makes administrative changes to the EPA Acquisition Regulation (EPAAR), consistent with the Federal Acquisition Streamlining Act (FASA) and other administrative changes.

**EFFECTIVE DATE:** November 21, 1996.

**ADDRESSES:** Environmental Protection Agency, Office of Acquisition Management (3802F), 401 M Street S.W., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Larry Wyborski, Telephone: (202) 260-6482.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background Information**

The Federal Acquisition Streamlining Act (FASA) was implemented through several changes to the Federal Acquisition Regulation (FAR). This rule revises the Environmental Protection Agency Acquisition Regulation (EPAAR) to make it consistent with FAR changes resulting from the FASA. The changes include several redesignations of EPAAR citations, such as what was previously EPAAR Part 1511, to make them consistent with the FAR. This rule does not impose any new requirements on Agency contractors.

##### **II. Executive Order 12866**

This is not a significant regulatory action under Executive Order 12866; therefore, no review is required at the Office of Information and Regulatory Affairs, within OMB.

##### **III. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements for the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, et. seq.

##### **IV. Regulatory Flexibility Act**

This rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et. seq. This rule is limited to changes in EPA's internal procedures.

##### **V. Unfunded Mandates Reform Act**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) Public Law 104-4, establishes requirements for Federal agencies to assess their regulatory actions on State, local and tribal governments and the private sector.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability. Thus, the rule is not

subject to the requirements of sections 202 and 205 of the UMRA.

##### **VI. Regulated Entities**

There are no entities potentially regulated by this action.

##### **List of Subjects in 48 CFR Parts**

1501, 1503, 1509, 1510, 1511, 1512, 1513, 1516, 1519, 1527, 1532, 1533, 1535, 1542 and 1552 Government procurement.

For the reasons set forth in the preamble, Chapter 15 of Title 48 Code of Federal Regulations, parts 1501, 1503, 1506, 1509, 1510, 1511, 1512, 1513, 1516, 1519, 1527, 1532, 1533, 1542 and 1552 are amended as follows:

1. Authority: Sec. 205(c), 63 Stat. 390 as amended, 40 U.S.C. 486(c).

2. Section 1501.602-3(d)(1)(v) is amended by removing the words "small purchases" and adding in its place the words "simplified acquisition procedures".

##### **PART 1503—[AMENDED]**

3. Part 1503 is amended to add Subpart 1503.9 to read as follows:

##### **Subpart 1503.9—Whistle Blower Protections for Contractor Employees**

##### **1503.905 Procedures for investigating complaints.**

The Assistant Administrator for Administration and Resources Management is designated as the recipient of the written report of findings by the Inspector General. The Assistant Administrator shall ensure that the report of findings is disseminated in accordance with FAR 3.905(c).

##### **PART 1509—[AMENDED]**

4. Part 1509 is amended by removing the words "small purchases" and adding in its place the words "simplified acquisition procedures" in the following places:

- (a) Section 1509.507-1(b);
- (b) Section 1509.507-2(a);
- (c) Section 1509.507-2(c).

5. In Part 1509 remove the words "small purchase limitation" and replace with the words "simplified acquisition threshold" in the following places:

- (a) Section 1509.507-2(a);
- (b) Section 1509.507-2(b);
- (c) Section 1509.507-2(c).

6. Section 1509.404 is revised to read as follows:

##### **1509.404 Parties excluded from Federal procurement and nonprocurement programs.**

The Director, Office of Grants and Debarment (or designee) is responsible

for notifying GSA in accordance with FAR 9.404(c).

7. In Section 1509.507-2, paragraph (d) is revised to read as follows:

##### **1509.507-2 Contract clauses.**

\* \* \* \* \*

(d) The Contracting Officer shall insert the clause at 1552.209-75 in Superfund solicitations and contracts in excess of the simplified acquisition threshold, where the solicitation or contract does not include (EPAAR) 48 CFR 1552.211-74, Work Assignments, Alternate I, or a similar clause requiring conflict of interest certifications during contract performance. This clause requires an annual conflict of interest certification from contractors when the contract does not require the submission of other conflict of interest certifications during contract performance. Contracts requiring annual certifications include: Site Specific contracts, the Contract Laboratory Program (CLP), and the Sample Management Office (SMO) contracts. The annual certification requires a contractor to certify that all organizational conflicts of interest have been reported, and that its personnel performing work under EPA contracts or relating to EPA contracts have been informed of their obligation to report personal and organizational conflicts of interest to the Contractor. The annual certification shall cover the one-year period from the date of contract award for the initial certification, and a one-year period starting from the previous certification for subsequent certifications. The certification must be received by the Contracting Officer no later than 45 days after the close of the certification period covered.

##### **PART 1510—[REMOVED]**

8. Part 1510 is removed under the authority of Sec. 205(c), 63 Stat. 390 as amended, 40 U.S.C. 486(c).

9. Part 1511 is added to read as follows:

##### **PART 11—DESCRIBING AGENCY NEEDS**

- 1511.000 Scope of part.
- 1511.011 Solicitation Provisions and Contract Clauses.
- 1511.011-70 Reports of work.
- 1511.011-71 [Reserved.]
- 1511.011-72 Monthly progress report.
- 1511.011-73 Level of effort.
- 1511.011-74 Work assignments.
- 1511.011-75 Working files.
- 1511.011-76 Legal analysis.
- 1511.011-77 Final reports.
- 1511.011-78 Advisory and assistance services.
- 1511.011-79 Information resources management.

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

#### **1511.000 Scope of part.**

This Part implements FAR part 11 and provides policy and procedures for describing Agency needs.

#### **1511.011 Solicitation Provisions and Contract Clauses.**

##### **1511.011-70 Reports of work.**

Contracting Officers shall insert one of the contract clauses at 1552.211-70 when the contract requires the delivery of reports. Alternate I should be used to specify reports in contract schedule, whereas the other clause should be used when reports are specified in the contract attachment.

##### **1511.011-71 [Reserved]**

##### **1511.011-72 Monthly progress report.**

Contracting Officers shall insert a contract clause substantially the same as the clause at 1552.211-72 when monthly progress reports are required.

##### **1511.011-73 Level of effort.**

The Contracting Officer shall insert the clause at 1552.211-73, Level of Effort, in term form contracts.

##### **1511.011-74 Work assignments.**

The Contracting Officer shall insert the contract clause at 1552.211-74, Work Assignments, in cost-reimbursement type term form contracts when work assignments are used. For Superfund contracts, except for contracts which require annual conflict of interest certificates (e.g., Site Specific contracts, the Contract Laboratory Program (CLP), and Sample Management Office (SMO) contracts), the Contracting Officer shall use the clause with either Alternate I or Alternate II. Alternate I shall be used for contractors who have at least 3 years of records that may be searched for certification purposes. Alternate II shall be used for contractors who do not have at least three years of records that may be searched.

##### **1511.011-75 Working files.**

Contracting Officers shall insert the contract clause at 1552.211-75 in all applicable EPA contracts where accurate working files on all work documentation is required in the performance of the contract.

##### **1511.011-76 Legal analysis.**

Contracting Officers shall insert the clause at 1552.211-76 when it is determined that the contract involves legal analysis.

##### **1511.011-77 Final reports.**

Contracting Officers shall insert the contract clause at 1552.211-77 when a contract requires both a draft and a final report.

##### **1511.011-78 Advisory and assistance services.**

Contracting Officers shall insert the contract clause at 1552.211-78 in all contracts for advisory and assistance services.

##### **1511.011-79 Information resources management.**

The Contracting Officer shall insert the clause at 1552.211-79, Compliance with EPA Policies for Information Resource Management, in all solicitations and contracts.

#### **PART 1512—[REMOVED]**

10. Part 1512 is removed under the authority of Sec. 205(c), 63 Stat. 390 as amended, 40 U.S.C. 486(c).

11. Part 1513 is revised to read as follows:

#### **PART 1513—SIMPLIFIED ACQUISITION PROCEDURES**

##### **1513.000 Scope of part.**

##### **Subpart 1513.1—General**

1513.170 Competition exceptions and justification for sole source simplified acquisition procedures.

1513.170-1 Contents of sole source justifications.

##### **Subpart 1513.4—Imprest Fund**

1513.404 Conditions for use.

##### **Subpart 1513.5—Purchase Orders**

1513.505 Purchase order and related forms.  
1513.505-2 Agency order forms in lieu of Optional Forms 347 and 348.

1513.507 Clauses.

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

##### **1513.000 Scope of part.**

This part prescribes EPA policies and procedures for the acquisition of supplies, nonpersonal services, and construction from commercial sources, the aggregate amount of which does not exceed the simplified acquisition threshold.

##### **Subpart 1513.1—General**

1513.170 Competition exceptions and justification for sole source simplified acquisition procedures.

1513.170-1 Contents of sole source justifications.

The program office submitting the procurement request must submit, as a separate attachment, a brief written statement in support of sole source acquisitions exceeding the micro-

purchase threshold. The statement must cite one or more of the circumstances in FAR 6.302 and the necessary facts to support each circumstance. Although program offices may not cite the authority in FAR 6.302-7, the public interest may be used as a basis to support a sole source acquisition. If the acquisition has been synopsisized as a notice of proposed sole source acquisition, the statement must include the results of the evaluation of responses to the synopsis.

#### **Subpart 1513.4—Imprest Fund**

##### **1513.404 Conditions for use.**

Imprest funds may be used when the transaction does not exceed \$500 (\$750 under emergency conditions).

#### **Subpart 1513.5—Purchase Orders**

##### **1513.505 Purchase order and related forms.**

##### **1513.505-2 Agency order forms in lieu of Optional Forms 347 and 348.**

Contracting Officers may use the EPA Form 1900-8, Procurement Request/Order, in lieu of Optional Forms 347 and 348 for individual purchases prepared in accordance with the instructions printed on the reverse thereof (see 1553.213-70).

##### **1513.507 Clauses.**

(a) It is the general policy of the Environmental Protection Agency that Contractor or vendor prescribed leases or maintenance agreements for equipment shall not be executed.

(b) The Contracting Officer shall, where appropriate, insert the clause at 1552.213-70, Notice to Suppliers of Equipment, in orders for purchases or leases of automatic data processing equipment, word processing, and similar types of commercially available equipment for which vendors, as a matter of routine commercial practice, have developed their own leases and/or customer service maintenance agreements.

##### **1516.307 [Amended]**

12. Section 1516.307(c) is amended by removing "1552.216-75" and adding in its place "1552.216-76".

#### **PART 1519—[AMENDED]**

13. The heading of Part 1519 is amended by removing the words "Small Business and Small Disadvantaged Business Concerns" and adding in its place the words "Small Business Programs."

14. Part 1519 is amended by removing the words "Small and Disadvantaged Business Utilization Specialist" and

adding in its place the words "Small Business Specialist", by removing "SDBUS" and adding in its place "SBS", and by removing the words "Small and Disadvantaged Utilization Specialists" and adding in its place the words "Small Business Specialists".

15. Section 1519.201-1 is redesignated as section 1519.201-71 and section 1519.201-2 is redesignated as section 1519.201-72.

16. Section 1519.201-72 is amended by removing the sentence "The SDBUS is not precluded from being assigned the responsibility for the labor surplus area program prescribed by FAR Part 20" in paragraph (b).

17. Section 1519.201-72 is amended by removing the words "small purchase limitation" and adding, in its place the words "simplified acquisition threshold" in paragraph (c)(3).

#### **1527.409 [Amended]**

18. Section 1527.409 is amended by removing the words "small purchase limitation and, as appropriate, in small purchases" and adding in its place the words "simplified acquisition threshold and, as appropriate, in simplified acquisition procedures."

#### **PART 1532—[AMENDED]**

19. Part 1532 is amended to add subpart 1532.2 to read as follows:

##### **Subpart 1532.2—Commercial Item Purchase Financing**

#### **1532.201 Statutory authority.**

Authority for making the determination under FAR 32.201 is delegated to a level above the Contracting Officer.

#### **1533.103-70 [Removed]**

20. Section 1533.103-70 is removed.

#### **1535.007-70 [Amended]**

21. Section 1535.007-70, paragraph (c) is amended by adding "(TSCA)" after the words "Business Information" in the first sentence.

22. Subpart 1542.7 is amended to add Section 1542.703-2 to read as follows:

#### **1542.703-2 Certificate of indirect costs.**

The Head of the Contracting Activity may waive the certification requirement set forth in FAR 42.703-2.

23. Section 1552.209-71 is amended by revising paragraph (c) to read as follows:

#### **1552.209-71 Organizational conflicts of interest.**

\* \* \* \* \*

(c) When the procurement is accomplished through simplified

acquisition procedures, use of the clause is optional.

\* \* \* \* \*

#### **1552.210-70 [Amended]**

24. Section 1552.210-70 is redesignated as section 1552.211-70.

#### **1552.210-72 [Amended]**

25. Section 1552.210-72 is redesignated as section 1552.211-72.

#### **1552.210-75 [Amended]**

26. Sections 1552.210-75 through 1552.210-79 are redesignated as sections 1552.211-75 through 1552.211-79.

#### **1552.210-80 [Amended]**

27. Section 1552.210-80 is redesignated as section 1552.209-75.

#### **1552.211-78 [Amended]**

28. In newly designated section 1552.211-78, remove the words "management consulting" and replace with the words "advisory and assistance".

#### **1552.212-70 [Amended]**

29. Section 1552.212-70 is redesignated as section 1552.211-73.

#### **1552.212-71 [Amended]**

30. Section 1552.212-71 is redesignated as 1552.211-74.

31. The heading of the clause in section 1552.215-70 is revised to read as follows:

#### **1552.215-70 EPA Source Evaluation and Selection Procedures—Procurements (SEP 1996)**

As prescribed in 1515.605, insert the following provision: EPA SOURCE EVALUATION AND SELECTION PROCEDURES - PROCUREMENTS (SEP 1996)

\* \* \* \* \*

32. The heading of the clause and the title of the clause in section 1552.235-76 are revised to read as follows:

#### **1552.235-76 Treatment of Confidential Business Information (TSCA) (APR 1996)**

As prescribed in 1535.007-70(c), insert the following clause:

#### **TREATMENT OF CONFIDENTIAL BUSINESS INFORMATION (TSCA) (APR 1996)**

\* \* \* \* \*

Dated: September 30, 1996.

Betty L. Bailey,

Director, Office of Acquisition Management.

[FR Doc. 96-28424 Filed 11-5-96; 8:45 am]

BILLING CODE 6560-50-P

## **DEPARTMENT OF TRANSPORTATION**

### **Surface Transportation Board**

**49 CFR Parts 1011, 1104, 1111, 1112, 1113, 1114, 1115, and 1121**

[STB Ex Parte No. 527]

### **Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings**

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rules; postponement of effective date.

**SUMMARY:** The Surface Transportation Board (Board) amended its *Rules of Practice* at 49 CFR 1100-1149 in a decision served October 1, 1996 and published in the Federal Register on October 8, 1996 (61 FR 52710). The rules were scheduled to become effective November 7, 1996. The Board is postponing the effective date of the rules to November 16, 1996 to allow sufficient time to consider the petitions to reopen that have been filed in this proceeding.

**EFFECTIVE DATE:** Effective November 6, 1996, the effectiveness of the final rules published on October 8, 1996 (61 FR 52710) is delayed until November 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Stilling, (202) 927-7312. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** The Board issued final rules in a decision in this proceeding served October 1, 1996, and published in the Federal Register on October 8, 1996 (61 FR 52710), with an effective date of November 7, 1996. Joseph C. Szabo, for and on behalf of United Transportation Union-Illinois Legislative Board, filed a petition to reopen and a petition to stay a portion of the decision pending disposition of its petition to reopen. The National Industrial Traffic League (NITL) filed a petition for reopening and reconsideration.

Under the authority of 49 U.S.C. 721(a), I am issuing a "housekeeping" postponement of the effective date of the final rules to November 16, 1996, so that the Board will have sufficient time to consider the issues raised in the petitions of Mr. Szabo and the NITL. The Board intends to act on those petitions by November 16, 1996.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: November 1, 1996.