

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 266A at Weaverville.

Federal Communications Commission

John A. Karousos,

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

[FR Doc. 97-5184 Filed 2-28-97; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 94-78; RM-8472 and RM-8525]

Radio Broadcasting Services; Cloverdale, Montgomery, and Warrior, AL

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This document denies a petition for reconsideration filed by William P. Rogers that appeals the *Report and Order*, 60 FR 65021 (December 18, 1995), in this proceeding insofar as it did not accept Rogers' counterproposal to allot Channel 254A to Florence, Alabama. The *Report and Order* was affirmed because Rogers' counterproposal did not provide 100 percent city-grade coverage of Florence, as required by Section 73.315(a) of the Commission's Rules.

EFFECTIVE DATE: March 3, 1997.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No. 94-78, adopted February 14, 1997, and released February 21, 1997. 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, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 2100 M Street NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-5191 Filed 2-28-97; 8:45 am]

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DEPARTMENT OF DEFENSE**48 CFR Part 239**

[DFARS Case 96-D011]

Defense Federal Acquisition Regulation Supplement; Automatic Data Processing Equipment Leasing Costs

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 remove references to an obsolete Federal Acquisition Regulation (FAR) cost principle pertaining to automatic data processing equipment (ADPE) leasing costs, and to remove corresponding contractor documentation and Government oversight requirements.

DATES: Effective date: March 3, 1997.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before May 2, 1997, 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-D011 in all correspondence related to this issue.

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

SUPPLEMENTARY INFORMATION:**A. Background**

This interim DFARS rule supplements the interim FAR rule published as Item I of Federal Acquisition Circular 90-44 on December 31, 1996 (61 FR 79287). The FAR rule deleted the cost principle at FAR 31.205-2, Automatic Data Processing Equipment Leasing Costs. The cost principle was incorporated into the FAR when ADPE was an emerging technology, had limited applications, and was a substantial cost element on Government contracts. In the current technological environment, however, where ADPE hardware costs

are no longer such a significant expense and computer systems have become ubiquitous in the workplace, the detailed scrutiny previously required under FAR 31.205-2 is no longer considered necessary.

This interim DFARS rule removes references to FAR 31.205-2, and removes corresponding contractor documentation and Government oversight requirements in Subpart 239.73, Acquisition of Automatic Data Processing Equipment by DoD contractors.

B. Regulatory Flexibility Act

This 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 do not require application of the FAR or DFARS cost principles. Therefore, an initial regulatory flexibility analysis has not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 96-D011 in correspondence.

C. Paperwork Reduction Act

This rule reduces, by 106,006 hours, the information collection requirements previously approved by the Office of Management and Budget under Clearance Number 0704-0341.

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This action is necessary because the cost principle, Automatic Data Processing Equipment Leasing Costs, was deleted from the FAR on December 31, 1996. It is necessary that a DFARS rule be published expeditiously to remove references to the obsolete cost principle, and to remove corresponding contractor documentation and Government oversight requirements. However, comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Part 239

Government procurement.

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

Therefore, 48 CFR Part 239 is
amended as follows:

1. The authority citation for 48 CFR
Part 239 continues to read as follows:

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

**PART 239—ACQUISITION OF
INFORMATION TECHNOLOGY**

2. The title of Part 239 is revised to
read as set forth above.

3. Section 239.7300 is revised to read
as follows:

239.7300 Scope of subpart.

This subpart prescribes approval
requirements for automatic data
processing equipment (ADPE)
purchased by contractors for use in
performing DoD contracts.

4. Section 239.7301 is amended by
revising paragraph (a) to read as follows:

239.7301 Applicability.

(a) This subpart applies when the
contractor purchases ADPE and title
will pass to the Government.

* * * * *

5. Section 239.7302 is amended by
revising the introductory text of
paragraph (b) and paragraph (b)(1) to
read as follows:

239.7302 Approvals and screening.

* * * * *

(b) If the contractor proposes
acquiring ADPE subject to 239.7301,
and the unit acquisition cost is \$50,000
or more—

(1) The contracting officer shall
require the contractor to submit,
through the administrative contracting
officer, the documentation in 239.7303.

* * * * *

6. Section 239.7303 is revised to read
as follows:

239.7303 Contractor documentation.

Contracting officers may tailor the
documentation requirements in
paragraphs (a) through (d) of this
section.

(a) *List of existing ADPE and an
analysis of its use.* (1) List of each
component identified by manufacturer,
type, model number, location, date of
installation, and how acquired (lease,
purchase, Government-furnished).
Identify those acquired specifically to
perform a Government contract.

(2) Reliability and usage data on each
component for the past 12 months.

(3) Identification of users supported
by each component, including how

much time each user requires the
component and the related contract or
task involved.

(b) *List of new ADPE needed and
reasons why it is needed.* (1) Estimates
of the new equipment's useful life.

(2) List of tasks the new equipment is
needed for and why, including
estimated monthly usage for each major
task or project.

(3) Anticipated software and
telecommunications requirements.

(c) *Selection of computer equipment.*

(1) If the acquisition is competitive—

(i) List sources solicited and proposals
received;

(ii) Show how the evaluation was
performed; and

(iii) Provide an explanation if the
selected offer is not the lowest evaluated
offer.

(2) If the acquisition is not
competitive, state why.

(d) *Cost.* State the ADPE cost.

**239.7304, 239.7305, and Table 39-1
[Removed]**

7. Sections 239.7304 and 239.7305
and Table 39-1 are removed.

[FR Doc. 97-5143 Filed 2-28-97; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric
Administration****50 CFR Part 285**

[I.D. 022197C]

**Atlantic Tuna Fisheries; Fishery
Closure**

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

ACTION: Closure.

SUMMARY: NMFS has determined that
landings of Atlantic bluefin tuna (ABT)
since January 1, 1997 and continued
high catch rates warrant an interim
closure of the ABT Angling category.
Therefore, the Angling category fishery
for school, large school, and small
medium ABT is closed in all areas until
further notice.

EFFECTIVE DATE: The closure of the
Angling category is effective 11:30 p.m.
local time on March 2, 1997, until the
effective date of any reopening, which
will be published in the Federal
Register.

FOR FURTHER INFORMATION CONTACT: John
Kelly, 301-713-2347, or Mark Murray-
Brown, 508-281-9260.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the
authority of the Atlantic Tunas
Convention Act (16 U.S.C. 971 *et seq.*)
governing the harvest of ABT by persons
and vessels subject to U.S. jurisdiction
are found at 50 CFR part 285. Section
285.22 subdivides the U.S. quota
recommended by the International
Commission for the Conservation of
Atlantic Tunas among the various
domestic fishing categories.

NMFS is required, under 285.20(b)(1),
to monitor the catch and landing
statistics and, on the basis of these
statistics, to project a date when the
catch of ABT will equal the quota and
publish a Federal Register
announcement to close the applicable
fishery.

On February 21, 1997, NMFS
amended the regulations governing the
Atlantic bluefin tuna (ABT) fisheries to
provide authority for NMFS to close
and/or reopen all or part of the Angling
category in order to provide for
equitable distribution of fishing
opportunities throughout the species
range. The regulatory amendments were
necessary to increase the geographic and
temporal scope of data collection from
the scientific monitoring quota
established for the United States.

Additionally, the authority for interim
closures facilitates a more equitable
geographic and temporal distribution of
fishing opportunities for all fishermen
in the Angling category, thus furthering
domestic management objectives for the
Atlantic tuna fisheries.

Angling Category Closure

NMFS has received information from
the State of North Carolina that
approximately 13 mt of school, large
school, and small medium ABT have
been measured during dockside
interviews conducted through February
16, 1997. It is estimated that dockside
intercepts account for 43 percent of
angler trips. Therefore, NMFS estimates
that 30 mt of school, large school, and
small medium ABT have been landed.

Regulations allow that, upon
determining that variations in seasonal
distribution, abundance, or migration
patterns of ABT, or that the catch rate
in one area may preclude anglers in an
another area from a reasonable
opportunity to harvest a portion of the
quota, NMFS may close all or part of the
Angling category, and may reopen it at
a later date if NMFS determines that
ABT have migrated into an identified
area. In determining the need for any
such temporary or area closure, NMFS
considers the following factors:

(A) The usefulness of information
obtained from catches of a particular