with all due haste, with only ''grandfathering'' for current licensees in the band. The Commission also concluded, however, that it was important to maximize the utility of the 746–806 MHz band for public safety and new commercial services. In addition, any TV application granted would have no allotment for a DTV channel and would be required to cease analog operations at the end of the DTV transition period. For these reasons, the Commission decided not to authorize additional new analog full-service television stations on channels 60–69. Upon reconsideration in this *Memorandum Opinion and Order,* the Commission affirmed its authority to make these decisions, and held that it had been presented with no persuasive arguments to change the decisions made in the *Report and Order.* The Commission stated that it would provide applicants a later opportunity to amend their applications to seek a channel below 60, but would not authorize additional new full-service analog TV stations in channels 60–69.

List of Subjects in 47 CFR Part 2

Frequency allocations and radio treaty matters, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–30553 Filed 11–16–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Parts 215 and 253

[DFARS Case 97–D025]

Defense Federal Acquisition Regulation Supplement; Weighted Guidelines—Federally Funded Research and Development Centers

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to exempt contract actions with Federally Funded Research and Development Centers (FFRDCs) from the weighted guidelines method of establishing profit and fee objectives. The fee for an FFRDC is based on assessment of need and, therefore, should not be subject to the risk-based approach used in the weighted guidelines method. The rule instead requires contracting officers to establish fee objectives for FFRDCs in accordance with the DoD FFRDC Management Plan.

EFFECTIVE DATE: November 17, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

A proposed rule with request for comments was published in the Federal Register on September 15, 1997 (62 FR 48205). Two sources submitted comments in response to the proposed rule. All comments were considered in the development of the final rule.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not 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 the rule applies only to contract actions with Federally Funded Research and Development Centers. The rule is not applicable to small businesses.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 215 and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 215 and 253 are amended as follows:

1. The authority citation for 48 CFR Parts 215 and 253 continues to read as follows:

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

PART 215—CONTRACTING BY NEGOTIATION

2. Section 215.404–4 is amended by revising paragraph (b)(1) introductory text, paragraph (c)(2) introductory text, and paragraphs (c)(2)(A) and (c)(2)(B) to read as follows:

215.404–4 Profit.

(b) * * *

(1) Departments and agencies shall use a structured approach for developing a prenegotiation profit or fee objective on any negotiated contract action that requires cost analysis, except on cost-plus-award-free contracts (see 215.404–74) or contracts with Federally Funded Research and Development Centers (FFRDCs) (see 215.404–75). There are three structured approaches—

* * * * *

(c) * * *

(2) When using a structured approach, the contracting officer—

(A) Shall use the weighted guidelines method (see 215.404–71), except as provided in paragraphs (c)(2)(B) and (c)(2)(C) of this subsection.

(B) Shall use the modified weighted guidelines method (see 215.404–72) on contract actions with nonprofit organizations other than FFRDCs.

* * * * *

3. Section 215.404–72 is revised to read as follows:

215.404–72 Modified weighted guidelines method for nonprofit organizations other than FFRDCs.

(a) *Definition.* As used in this subpart, a nonprofit organization is a business entity—

(1) That operates exclusively for charitable, scientific, or educational purposes;

(2) Whose earnings do not benefit any private shareholder or individual;

(3) Whose activities do not involve influencing legislation or political campaigning for any candidate for public office; and

(4) That is exempted from Federal income taxation under section 501 of the Internal Revenue Code.

(b) For nonprofit organizations that are entities that have been identified by the Secretary of Defense or a Secretary of a Department as receiving sustaining support on a cost-plus-fixed-fee basis from a particular DoD department or agency, compute a fee objective for covered actions using the weighted guidelines method in 215.404–71, with the following modifications:

(1) *Modifications to performance risk (Blocks 21–24 of the DD Form 1547).* (i) If the contracting officer assigns a value from the standard designated range (see 215.404–71–2(c)), reduce the fee objective by an amount equal to 1 percent of the costs in Block 18 of the DD Form 1547. Show the net (reduced) amount on the DD Form 1547.

(ii) If the contracting officer assigns a value from the alternate designated range, reduce the fee objective by an amount equal to 2 percent of the costs in Block 18 of the DD Form 1547. Show the net (reduced) amount on the DD Form 1547.

(2) *Modifications to contract type risk (Block 25 of the DD Form 1547).* Use a designated range of −1 percent to 0 percent instead of the values in 215.404–71–3. There is no normal value.

(c) For all other nonprofit organizations except FFRDCs, compute a fee objective for covered actions using the weighted guidelines method in 215.404–71, modified as described in paragraph (b)(1) of this subsection.

215.404–75 [Redesignated as 215.404–76]

4. Section 215.404–75 is redesignated as section 215.404–76.

5. A new section 215.404–75 is added to read as follows:

215.404–75 Fee requirements for FFRDCs.

For nonprofit organizations that are FFRDCs, the contracting officer—

(a) Should consider whether any fee is appropriate. Considerations shall include the FFRDC's—

(1) Proportion of retained earnings (as established under generally accepted accounting methods) that relates to DoD contracted effort;

(2) Facilities capital acquisition plans;

(3) Working capital funding as assessed on operating cycle cash needs; and

(4) Provision for funding unreimbursed costs deemed ordinary and necessary to the FFRDC.

(b) Shall, when a fee is considered appropriate, establish the fee objective in accordance with FFRDC fee policies in the DoD FFRDC Management Plan.

(c) Shall not use the weighted guidelines method or an alternate structured approach.

PART 253—FORMS

253.215–70 [Amended]

6. Section 253.215–70 is amended in paragraph (b)(4) by revising the parenthetical to read ''(see 215.404–76)''.

[FR Doc. 98–30713 Filed 11–16–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA 98–4723]

RIN 2127–AF73

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This document amends Standard No. 108, the Federal motor vehicle safety standard on lighting, to remove paragraph S7.8.2.3 relating to headlamps aimed by moving the reflector relative to the lens and headlamp housing, or vice versa. This paragraph has been superseded by paragraph S7.8.2.2, which retains the requirements of S7.8.2.3 for headlamps with movable parts that are not visually/optically aimable and prescribes requirements for headlamps with movable parts that are visually/optically aimable. Paragraph S7.8.2.3 is therefore redundant and can be removed without creating a burden on any person.

DATES: The amendment is effective November 17, 1998.

FOR FURTHER INFORMATION CONTACT: Patrick Boyd, Office of Safety Performance Standards, NHTSA (Phone: 202–366–6346).

SUPPLEMENTARY INFORMATION: Paragraph S7.8.2.2 of Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment,* as in effect until May 1, 1997, read as follows:

S7.8.2.2 If a headlamp is aimed by moving the reflector relative to the lens and headlamp housing, or vice versa, it shall conform with the photometrics applicable to it with the lens at any position relative to the reflector within the aim range limits of paragraph S7.8.3 and S7.8.4 or any combination.

Paragraph S7.8.4 as in effect until May 1, 1997, read as follows:

S7.8.4 When a headlamp system is tested in a laboratory, the range of horizontal aim shall be not less than 2.5 degrees from the nominal correct aim position for the intended vehicle application.

Standard No. 108 was amended on March 10, 1997, to adopt specifications for visually/optically aimable headlamps, representing the consensus of a NHTSA Advisory Committee on Regulatory Negotiation (62 FR 10710). The amendments were effective on May 1, 1997. As part of that rulemaking action, a new paragraph S7.8.2.2 was adopted, and existing S7.8.2.2, as shown above, was redesignated S7.8.2.3. At the same time, a clarifying amendment was made to S7.8.4, to insert ''±'' before ''2.5 degrees.'' No amendment was made to paragraph S7.8.3.

Grote Industries, a manufacturer of lighting equipment, has questioned whether S7.8.2.2 and S7.8.2.3 are in conflict. Upon review, NHTSA has concluded that there is no conflict, but that it acted erroneously in redesignating S7.8.2.2 and that it should have removed S7.8.2.2 rather than redesignating it.

NHTSA wishes to correct this error. However, there is the possibility that a manufacturer who complied with the requirements of S7.8.2.2 before May 1, 1997, may have continued to do so after it was redesignated S7.8.2.3 as of May 1, 1997. Continued compliance is technically possible because S7.8.3 was not amended, and S7.8.4 only in a minor respect. Therefore, the agency must determine whether removal of S7.8.2.3 would create an obligation or remove an option not otherwise available.

The agency has decided that removal of S7.8.2.3 would not create an obligation or remove an option not otherwise available. The preamble to the final rule adopting new paragraph S7.8.2.2 explained that ''requirements for the aiming of movable reflector headlamps have been clarified and expanded to cover headlamps which are visually/optically aimable'' (at 10713). In other words, paragraph S7.8.2.2 retained the requirements of S7.8.2.3 for headlamps with movable parts that are not visually/optically aimable, as well as extending these requirements to headlamps with movable parts that are visually/optically aimable. Paragraph S7.8.2.3 is therefore redundant and can be removed without creating a burden on any person.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking action was not reviewed under Executive Order 12866. Further, it has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. The purpose of the rulemaking action is to correct an error and to remove an obsolete requirement. Since the final rule will not impose or reduce costs, preparation of a full regulatory evaluation is not warranted. Vehicles with movable reflector headlamps that are not visually/optically aimable are presumed to comply with both the new and obsolete requirement.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. This final rule will not have a significant effect upon the environment. The composition of lighting equipment will not change from those presently in production.

Regulatory Flexibility Act

The agency has also considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act (5 U.S.C. Sec. 601 *et seq.*). For the reasons stated above in the paragraph on