

Longitude. With this action, the proceeding is terminated.

DATES: Effective October 28, 1996. The window period for filing applications will open on October 28, 1996, and close on November 29, 1996.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 232C3 at Wellington, 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. 96-51, adopted September 6, 1996, and released September 13, 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, DC. 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, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 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 Wellington, Channel 232C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-24468 Filed 9-24-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

48 CFR Parts 1201, 1202, 1205, 1209, 1210, 1211, 1212, 1213, 1215, 1216, 1219, 1220, 1224, 1233, 1237, 1247, 1252, and 1253

RIN 2105-AC59

Revision of Department of Transportation Acquisition Regulations

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the Transportation Acquisition Regulation (TAR) to reflect restructuring and modified coverage that is made necessary by the Federal Acquisition Streamlining Act of 1994.

EFFECTIVE DATE: October 25, 1996.

FOR FURTHER INFORMATION CONTACT: James F. Hawkins, Office of Acquisition and Grant Management, M-61, 400 Seventh Street S.W., Washington, DC 20590; (202) 366-6688.

SUPPLEMENTARY INFORMATION:

A. Background

Implementation of the Federal Acquisition Streamlining Act (FASA) of 1994 resulted in changes to the Federal Acquisition Regulation (FAR). The FAR was modified to provide additional coverage to implement the Act and restructure parts of the FAR to accommodate the changes (particularly Parts 10, 11, and 12). The Transportation Acquisition Regulation (TAR) is being modified to reflect the restructuring and modified coverage in the FAR. The TAR coverage restructures Parts 1210, 1211, and 1212, part title changes, deletes some prior coverage and reflects an internal delegation to the United States Coast Guard. Part 1211 is being newly added and Parts 1201 and 1252 is being renumbered to reflect the restructuring of the TAR.

B. Regulatory Analysis and Notices

This final rule is not significant under Executive Order 12866 of the Department's Regulatory Policies and Procedures. It does not amend a rule having substantial public interest and we expect no economic impacts or Federalism impacts as a result of this rule.

C. Regulatory Flexibility Act

This proposal is not expected to have a significant economic impact on a substantial number of small entities because the basic policies remain unchanged. An Initial Regulatory

Flexibility Analysis has not been performed.

D. Paperwork Reduction Act

There are no information collection requirements associated with this rule.

E. Administrative Procedure Act

A general notice of proposed rulemaking was not published in the Federal Register because that notice and public procedure are unnecessary. This final rule revises agency specifics in the Transportation Acquisition Regulation to conform to the restructuring and revision of the document it supplements, the Federal Acquisition Regulation. The Department has little discretion in adopting these technical changes. We do not anticipate that we would receive meaningful comments on these amendments.

List of Subjects in 48 CFR Parts 1201, 1202, 1205, 1209, 1210, 1211, 1212, 1213, 1215, 1216, 1219, 1220, 1224, 1233, 1237, 1247, 1252, and 1253

Government procurement.

This final rule is issued pursuant to delegated authority under 49 CFR part 1.59(p). This authority has been redelegated to the Senior Procurement Executive.

Issued this 12th day of September 1996, at Washington, DC.

David J. Litman,

Director of Acquisition and Grant Management.

Adoption of Amendments

Title 48 of the Code of Federal Regulations, Parts 1201, 1202, 1205, 1209, 1210, 1211, 1212, 1213, 1215, 1216, 1219, 1220, 1224, 1233, 1237, 1247, 1252, and 1253 are amended to read as set forth below:

1. The authority citation for 48 CFR parts 1201, 1202, 1205, 1209, 1210, 1211, 1212, 1213, 1215, 1216, 1219, 1220, 1224, 1233, 1237, 1247, 1252, and 1253 continues to read as follows:

Authority: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

PART 1201—FEDERAL ACQUISITION REGULATIONS SYSTEM

Subpart 1201.104-2—[Amended]

2. Subpart 1201.1 is amended by removing "OST—Office of the Secretary" under 1201.104-2 and adding "TASC—Transportation Administrative Service Center" and by redesignating §§ 1201.102 through 1201.105 as follows:

1201.102 through 1201.105 [Redesignated as 1201.103 through 1201.106]

Old section	New section
1201.102	1201.103
1201.103	1201.104
1201.104	1201.105
1201.104-1	1201.105-1
1201.104-2	1201.105-2
1201.104-3	1201.105-3
1201.105	1201.106

3. In subpart 1201.470, § 1201.403 is revised to read as follows:

Subpart 1201.403—Individual Deviations

The authority of the agency head under (FAR) 48 CFR 1.403 and (TAR) 48 CFR chapter 12 is delegated to the Head of the Contracting Activity or designee no lower than Senior Executive Service (SES)/Flag Officer level. However, see Transportation Acquisition Manual (TAM) 1201.403. The TAM is available through the Government Printing Office.

4. Subpart 1201.6 title is revised to read as follows:

Subpart 1201.6—Career Development, Contracting Authority and Responsibilities

PART 1202—DEFINITIONS OF WORDS AND TERMS

5. Section 1202.1, paragraph (i)(7) is revised to read as follows:

1202.1 Definitions.

* * * * *

(i) * * *

(7) Transportation Administrative Service Center/Office of the Secretary (OST).

* * * * *

PART 1205—PUBLICIZING CONTRACT ACTIONS

6. Section 1205.101, paragraph (a)(2), is removed and paragraph (a)(2)(iii) is added to read as follows:

1205.101 Methods of disseminating information.

(a)(2)(iii) Contracting officers shall post solicitations expected to exceed \$25,000, if required in OA procedures.

PART 1209—CONTRACTOR QUALIFICATIONS

Subpart 1209.4—[Removed]

7. Subpart 1209.4 (1209.406 through 1209.407-3) is removed and § 1209.507 is revised to read as follows:

1209.507 Solicitation provisions.

The contracting officer may insert the provision at (TAR) 48 CFR 1252.209-70, "Disclosure of Conflicts of Interest" in all solicitations for negotiated acquisitions, when simplified acquisitions procedures in (FAR) 48 CFR Part 13, are not used and when the contracting officer believes the conditions enumerated in (FAR) 48 CFR 9.507-2 warrant inclusion.

PART 1210—MARKET RESEARCH—[RESERVED]

8. The heading of part 1210 is revised, §§ 1210.004 through 1210.011-90 are removed and the subpart is reserved.

PART 1211—ACQUISITION AND DISTRIBUTION OF COMMERCIAL ITEMS

9. Part 1211 is added to read as follows:

PART 1211—DESCRIBING AGENCY NEEDS

Subpart 1211.6—Priorities and Allocations

1211.602 General.
1211.204-90 Solicitation provision and contract clause (USCG).

Authority: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

Subpart 1211.6—Priorities and Allocations

1211.602 General.

(c) The USCG is the only DOT OA delegated authority under the Defense Priorities and Allocations System (DPAS) regulation (15 CFR 700) to assign priority ratings on contracts and orders placed with contractors to acquire products, materials, and services in support of USCG certified national defense related programs.

1211.204-90 Solicitation provision and contract clause (USCG).

(a) The contracting officer shall insert the USCG clause at (TAR) 48 CFR 1252.211-90, Bar Coding Requirement (also see (TAR) 48 CFR 1213.507-90(a)) when the bar coding of supplies is necessary for the USCG.

(b) See (TAR) 48 CFR 1213.507-90 for a provision which is required when the USCG clause at (TAR) 48 CFR 1252.211-90, Bar Coding Requirement, is used with simplified acquisition procedures.

PART 1212—ACQUISITION OF COMMERCIAL ITEMS—[RESERVED]

10. The heading of part 1212 is revised to read as set forth above, subparts 1213.1 (§ 1213.107-90) and

1213.5 (§ 1213.5) are removed and the part is reserved.

PART 1213—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

1213.107-90 [Amended]

11. Section 1213.107-90 is amended by correcting the reference to USCG provision "1252.210-90" to read "1252.213-90" and reference to USCG clause "1252.210-90(a)" to read "1252.211-90" and revise the words "in small purchases" to read "with simplified acquisition procedures".

1213.507-90 [Amended]

12. Section 1213.507-90 is amended by correcting the reference to USCG clause "1252.210-90" to read "1252.211-90".

PART 1215—CONTRACTING BY NEGOTIATION

1215.407, 1215.804, and 1215.804-2 [Removed]

13. In part 1215, §§ 1215.407, 1215.804, and 1215.804-2 are removed.

14. The heading of § 1215.804-6 is revised to read as follows:

1215.804-6 Instructions for submission of cost or pricing data or information other than cost or pricing data.

PART 1216—TYPES OF CONTRACTS

15. In part 1216, subpart 1216.5 is added to read as follows:

Subpart 1216.5—Indefinite-Delivery Contracts

1216.505 Ordering.

(b)(4) Unless otherwise provided in OA procedures, the OA Competition Advocate is designated as the OA Task and Delivery Order Ombudsman.

(i) If any corrective action is needed after reviewing complaints from contractors on task and delivery order contracts, the OA Ombudsman shall provide a written determination of such action to the contracting officer.

(ii) Issues that cannot be resolved within the OA, are to be forwarded to the DOT Task and Delivery Order Ombudsman for review and resolution.

PART 1219—SMALL BUSINESS PROGRAMS

16. Part 1219 title is revised to read as set forth above and subpart 1219.7 title is revised to read "Subcontracting with Small Business, Small Disadvantaged Business and Women-Owned Small Business Concerns". The last sentence of § 1219.201(c) is removed. Appendix A following

§ 1219.006 is designated as Subpart A to Subpart 1219.10 and items (4) and (6) are revised to read as follows:

Appendix A to Subpart 1219.10

Targeted industry categories	FPDs product and service code
* * * *	*
(4) Maintenance, Repair, and Rebuilding of engines, turbines, components and weapons equipment.	J028/J010
* * * *	*
(6) ADP Support Equipment	7035
* * * *	*

PART 1220—LABOR SURPLUS AREA CONTRACTING

17. Part 1220 title is revised to read as set forth above.

PART 1224—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

18. In part 1224, § 1224.000 is removed and § 1224.103 is added to subpart 1224.1 to read as follows:

1224.103 Procedures.

DOT's rules and regulations implementing the Privacy Act of 1974 are located at 49 CFR Part 10.

PART 1233—PROTESTS, DISPUTES, AND APPEALS

19. Section 1233.214 is amended by removing paragraph (d) and redesignating paragraphs (b) and (c) as (c) and (d), revising the introductory text of newly redesignated paragraph (c) and paragraph (d) to read as follows:

1233.214 Alternative dispute resolution (ADR).

(c) The Administrative Dispute Resolution Act (ADRA), Pub. L. 101-552, authorizes and encourages agencies to use mediation, conciliation, arbitration, and other techniques for the prompt and informal resolution of disputes, and for other purposes. The

DOTBCA Alternate Dispute Resolution (ADR) procedures are contained in 48 CFR chapter 63, Section 6302.30, ADR Methods (Rule 30), and will be distributed to the parties, if ADR procedures are used. These procedures may be obtained from the DOTBCA upon request. ADR procedures may be used when:

* * * *

(d) DOT's Dispute Resolution Specialist in accordance with the ADRA is located in the DOT Office of the General Counsel, C-1. The Dispute Resolution Specialist performs the functions set forth in the Administrative Disputes Resolution Act for DOT operating administrations on a non-reimbursable basis. The Dispute Resolution Specialist may conduct any of the alternative means of dispute resolution set forth in Title 5, U.S.C. Section 581(3), including settlement negotiations under the auspices of a settlement judge, conciliation, facilitation, mediation, fact finding, mini-trials, and arbitration, or any combination of these methods.

PART 1237—SERVICE CONTRACTING

20. The heading of subpart 1237.1 is revised to read "Service Contracts—General" (table of contents listing remains unchanged). New subpart 1237.104, "Personal Services Contracts" and § 1237.104-90, "Delegation of Authority (USCG)" are added to read as follows:

Subpart 1237.104—Personal Services Contracts

1237.104-90 Delegation of authority (USCG).

(a) Pub. L. 104-106, DOD Authorization Act of 1996, Section 733, added Section 1091(A) to Title 10 of the United States Code, which authorizes contracting authority for personal service contracts for medical treatment facilities for the Coast Guard.

(b) The authority of the Secretary of Transportation under Pub. L. 104-106 to contract for personal service contracts for medical treatment facilities for the Coast Guard is delegated to the HCA with the authority to redelegate to

contracting officers under procedures established by the Head of Contracting Activity, who will address applicable statutory limitations under Section 1091 of Title 10 U.S.C.

PART 1247—TRANSPORTATION

21. Section 1247.104-370 is amended by changing the reference to section number "1252.247-1" to read "1252.247-70"; by amending 1247.305-70 (a), (b), (c), (d), (e), and (f) by revising the references to section numbers "1252.247-2," "1252.247-3," "1252.247-4," "1252.247-5," "1252.247-6," and "1252.247-7," to read "1252.247-71," "1252.247-72," "1252-247-73," "1252-247-74," "1252-247-75," and "1252.247-76," respectively; and by amending 1247.305-71 by revising the reference to section number "1252.247-8" to read "1252.247-77".

PART 1252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1252.210-70 and 1252.210-71 and 1252.247-1 through 1252.247-8 [Redesignated as 1252.211-70 and 1252.211-71 and 1252.247-70 through 1252.247-77]

22. Sections 1252.210-70 and 1252.210-71 and 1252.247-1 through 1252.247-8 are redesignated as follows:

Old section	New section
1252.210-70	1252.211-70
1252.210-71	1252.211-71
1252.247-1	1252.247-70
1252.247-2	1252.247-71
1252.247-3	1252.247-72
1252.247-4	1252.247-73
1252.247-5	1252.247-74
1252.247-6	1252.247-75
1252.247-7	1252.247-76
1252.247-8	1252.247-77

PART 1253—FORMS

In Appendix A to subpart 1253.3, the entries for 1252.210-70, 1252.210-71, 1252.247-1 through 1252.247-8 are removed and the following new entries are added in numerical order.

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