

requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. section 804(2).

E. Audit Privilege and Immunity Law

Nothing in this action should be construed as making any determination or expressing any position regarding Colorado's audit privilege and penalty immunity law (sections 13-25-126.5, 13-90-107, and 25-1-114.5 Colorado Revised Statutes (C.R.S.); S.B. 94-139, effective June 1, 1994) or its impact upon any approved provision in the State Plan, including the submittal at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act program resulting from the effect of Colorado's audit privilege and immunity law. A State audit privilege and immunity law can affect only State enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 114, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the State Plan, independently of any State enforcement effort. In addition, citizen enforcement under section 304 of the

Clean Air Act is likewise unaffected by a State audit privilege or immunity law.

F. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 28, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Methane, Municipal solid waste landfills, Nonmethane organic compounds, Reporting and recordkeeping requirements.

Dated: July 20, 1998.

William P. Yellowtail,
Regional Administrator, Region VIII.

Part 62, Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

SUBPART G—[AMENDED]

2. Subpart G is amended by adding an undesignated center heading and sections 62.1350, 62.1351 and 62.1352 to read as follows:

Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

§ 62.1350 Identification of plan.

"111(d) Plan for Existing Municipal Solid Waste Landfills Existing in Colorado" and the associated State regulations in Part A of Colorado Regulation No. 6, submitted by the State on April 13, 1998.

§ 62.1351 Identification of sources.

The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 that accepted waste at any time since November 8, 1987 or that have additional capacity available for

future waste deposition, as described in 40 CFR part 60, subpart Cc.

§ 62.1352 Effective date.

The effective date of the plan for municipal solid waste landfills is September 28, 1998.

[FR Doc. 98-20282 Filed 7-28-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-246; RM-9205, RM-9250]

Radio Broadcasting Services; Walla Walla and Pullman, WA, and Hermiston, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Mark Jacky Broadcasting, substitutes Channel 256C2 for Channel 256C3 at Walla Walla, Washington, and modifies Station KUI-FM's license accordingly. To accommodate the upgrade, we substitute Channel 263A for Channel 257A at Hermiston, Oregon, and modify Station KQFM(FM)'s license accordingly (RM-9205). See 63 FR 194, January 5, 1998. At the request of counterproponent Palouse Country, Inc., we also substitute Channel 258C for Channel 258C1 at Pullman, Washington, and modify Station KZZL-FM's license accordingly (RM-9205). Channel 256C2 can be allotted to Walla Walla in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at Station KUI-FM's requested site. The coordinates for Channel 256C2 at Walla Walla are North Latitude 45-59-38 and West Longitude 118-10-47. See Supplementary Information, *infra*.

EFFECTIVE DATE: August 31, 1998.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-246, adopted July 8, 1998, and released July 17, 1998. The full text of this Commission decision is available for inspection and copying during business hours in the FCC 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, 1231 20th Street, NW., Washington, DC 20036.

Channel 263A can be allotted at Hermiston at Station KQFM(FM)'s presently licensed site. The coordinates for Channel 263A are North Latitude 45-51-57 and West Longitude 119-18-45. In addition, Channel 258C can be allotted to Pullman without the imposition of a site restriction, at Station KZZL-FM's requested site. The coordinates for Channel 258C are North Latitude 46-40-29 and West Longitude 116-58-19. Since Pullman is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence has been obtained. With this action, this proceeding terminated.

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: 47 U.S.C 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing Channel 256C3 and adding Channel 256C2 at Walla Walla; and by removing Channel 258C1 and adding Channel 258C at Pullman.

§ 73.303 [Amended]

3. Section 73.303(b), the Table of FM Allotments under Oregon, is amended by removing Channel 257A and adding Channel 263A at Hermiston.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98-19906 Filed 7-28-98; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE

48 CFR Part 242

[DFARS Case 97-D012]

Defense Federal Acquisition Regulation Supplement; Contractor Insurance/Pension Reviews

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 revise guidance pertaining to the conduct of Contractor Insurance/Pension Reviews (CIPRs). The rule clarifies requirements for conducting a CIPR, eliminates the requirement to conduct a CIPR at least every 2 years, and requires the performance of a special CIPR under certain circumstances.

EFFECTIVE DATE: July 29, 1998.

FOR FURTHER INFORMATION CONTACT: Rick Layser, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 97-D012.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule revises the guidance in DFARS Subpart 242.73 pertaining to the conduct of CIPRs. A proposed rule was published in the **Federal Register** on August 20, 1997 (62 FR 44249). Ten respondents submitted comments on the proposed rule. All comments were considered in the development of the final rule.

B. Regulatory Flexibility Act

The Department of Defense 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 contractors whose annual qualifying sales to the Government exceed \$40 million, and no small entities are known to meet this criterion.

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 Part 242

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 242 is amended as follows:

1. The authority citation for 48 CFR Part 242 continues to read as follows:

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

PART 242—CONTRACT ADMINISTRATION

2. Sections 242.7301 and 242.7303 are revised to read as follows:

242.7301 General.

(a) The administrative contracting officer (ACO) is responsible for determining the allowability of insurance/pension costs in Government contracts. Defense Logistics Agency (DLA) insurance/pension specialists and Defense Contract Audit Agency (DCAA) auditors assist ACOs in making these determinations by conducting CIPRs.

(1) A CIPR is an in-depth evaluation of a contractor's—

- (i) Insurance program;
- (ii) Pension plans;
- (iii) Other deferred compensation plans; and
- (iv) Related policies, procedures, practices, and costs.

(2) A special CIPR is a joint DLA/DCAA review that concentrates on specific areas of the contractor's insurance program, pension plan, or other deferred compensation plan.

(b) DLA is the DoD Executive Agency for the performance of all CIPRs conducted under 242.7302.

242.7302 Requirements.

(a)(1) A CIPR shall be conducted only when—

(i) A contractor has \$40 million of qualifying sales to the Government during the contractor's preceding fiscal year; and

(ii) The ACO, with advice from DLA insurance/pension specialists and DCAA auditors, determines a CIPR is needed based on a risk assessment of the contractor's past experience and current vulnerability.

(2) Qualifying sales are sales for which cost or pricing data were required under 10 U.S.C. 2306a, as implemented in FAR 15.403, or that are contracts priced on other than a firm-fixed-price or fixed-price with economic price adjustment basis. Sales include prime contracts, subcontracts, and modifications to such contracts and subcontracts.

(b) A special CIPR shall be performed for a contractor (including, but not limited to, a contractor meeting the requirements in paragraph (a) of this section) when any of the following circumstances exists, but only if the circumstance(s) may result in a material impact on Government contract costs:

(1) Information reveals a deficiency in the contractor's insurance/pension program.

(2) The contractor proposes or implements changes in its insurance, pension, or deferred compensation plans.

(3) The contractor is involved in a merger, acquisition, or divestiture.

(4) The Government needs to follow up on contractor implementation of prior CIPR recommendations.