

"bottling up" the best facilities. The rule was first applied to television in 1946 when there were only six television stations in the United States. The Commission finds that because of the growth in the number of television stations and in network programming made available by cable and satellite home dishes, the network station ownership rule is no longer necessary to increase the availability of video programming to viewers or further the creation of new networks. Therefore, the Commission eliminates § 73.658(f) of its rules.

4. The secondary affiliation rule was adopted by the Commission in 1971 (36 FR 6507, April 16, 1971) in order to promote development of UHF television stations. While commenters were divided as to the continued need for the secondary affiliation rule, the Commission is persuaded that, due to improvements to UHF reception and the increased availability of programming, this rule is no longer needed to ensure the availability of competitive programming to unaffiliated stations. The Commission thus eliminates § 73.658(1) of its rules.

Administrative Matters

Final Regulatory Flexibility Analysis

5. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, the Commission believes that this action will eliminate rules no longer required by the public interest in view of changes in the video marketplace since their adoption. Additionally, their elimination will make over-the-air television better able to compete in the current, and future, video environment. The complete Final Regulatory Flexibility Act Statement may be found following paragraph 26 of the full text of this Report and Order.

Ordering Clauses

6. It Is Therefore Ordered that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i) and 303(r), Part 73 of the Commission's Rules, 47 CFR part 73, is amended as set forth below.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Amendatory Revisions

Part 73 of Title 47 of the U.S. Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

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

§ 73.658 [Amended]

2. Section 73.658 is amended by removing and reserving paragraphs (f) and (l).

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DEPARTMENT OF DEFENSE

48 CFR Part 235

Defense Federal Acquisition Regulation Supplement; Research and Development Streamlined Contracting Procedures—Test

AGENCIES: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Department of Defense is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise its streamlined research and development contracting procedures test.

EFFECTIVE DATE: March 21, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. R.G. Layser, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

The streamlined research and development contracting procedures test is the result of a 1987 Defense Science Board summer group recommendation. The Lab Demo Contracting Subgroup of the Lab Demo project proposed a streamlined procedure for solicitation and a standard format for award of R&D contracts in support of military department laboratories.

The streamlined contracting procedures consist of a solicitation published in the Commerce Business Daily (CBD); terms and conditions incorporated by reference; a supplemental package, if necessary, which is mailed to all interested parties who provide address information. The statement of work may be published in the CBD with the solicitation summary or may be included in a supplemental package. The use of a standard contract is intended to make the contracting process easier on industry, because offerors can expect all DoD laboratories to use the same contract format.

The Department of Defense published a final rule on October 18, 1994 (59 FR

52442) after receiving public comments on the proposed rule. This final rule revises the previous final rule as a result of changes found necessary during initial implementation of the Test.

This final rule revises the list of contracting offices approved to participate in the test of 235.7002(a)(2); the data collection requirements 235.7003(d)(9); and the clauses and provisions included in the exhibit at 235.7006(d). The rule adds the clauses at *(I.168)252.223-7006, Prohibition on Disposal of Toxic and Hazardous Materials, and *(I.169)252.249.7002, Notification of Program Termination or Reduction; deletes *(K.24)252.226-7000, Notice of Historically Black College or University and Minority Institution Set Aside, to correct a duplication; and adds an asterisk (*) to (L.19)52.237-1, Site Visit, to designate that this provision is for use as prescribed in the FAR.

In addition, Test Oversight Committee members may now authorize, for their respective agencies, on a one time only basis, the use of FAR and DFARS provisions and clauses or approved nonstandard provisions and clauses that are not in the research and development streamlined contracting format at 235.7006(d).

A. Regulatory Flexibility Act

The rule does not constitute a significant DFARS revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for comment is not required.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose any new recordkeeping, information collection requirements, or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 235

Government procurement.

Claudia L. Naugle,
Deputy Director, Defense Acquisition Regulations Council.

Therefore, 48 CFR part 235 is amended as follows:

1. The authority citation for part 235 continues to read as follows:

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

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

235.70 Research and development streamlined contracting procedures—test.

2. Section 235.7002 is amended by revising paragraph (a) (2) to read as follows:

235.7002 Applicability.

- (a) * * *
- (1) * * *
- (2) Navy; Naval Research Laboratory contracting office; Naval Surface Warfare Center contracting offices when contracting for the Carderock, Crane, Dahlgren, Indian Head and Port Hueneme divisions; Naval Undersea Warfare Center contracting office.

3. Section 235.7003 is amended by adding paragraph (d) (9) to read as follows:

235.7003 Reporting requirements.

- (d) * * *
- (9) At a minimum any request for modification of the research and development streamlined contracting format or procedures, and any request for one time only use of FAR and DFARS provisions and clauses and nonstandard provisions and clauses approved for agency use, that are not in the research and development streamlined contracting format at 235.7006 must include the information required by 201.402(3) (i) through (ix).

235.7004-1 [Amended]

4. Section 235.7004-1 is amended by revising in paragraph (b) the reference “235.7006(c) (A.1)” to read “235.7006(d) (A.1).”

235.7004-2 [Amended]

5. Section 235.7004-2 is amended by revising in paragraph (b) the reference “235.7006(c) (A.1)” to read “235.7006(d) (A.1).”

235.7004-3 [Amended]

6. Section 235.7004-3 is amended by revising in paragraph (c) the reference “235.7006(c)” to read “235.7006(d).”

7. Section 235.7006 is amended by revising in the first sentence of paragraph (a) the reference “paragraph (c)” to read “paragraph (d),” by revising in the last sentence of paragraph (a) the reference “(See 235.7006(c) (A.1) (v))” to read “(See 235.7006(d) (A.1) (v));” by redesignating paragraph (c) as paragraph (d); and by adding a new paragraph (c) to read as follows:

235.7006 The research and development streamlined contracting format.

* * * * *

(c) Test Oversight Committee members may authorize for their respective agencies, on a one time only basis, the use of FAR and DFARS provisions and clauses, and nonstandard provisions and clauses approved for agency use, that are not in the research and development streamlined contracting format at 235.7006. Any other modification of the research and development streamlined contracting format or procedures requires approval of the Director of Defense Procurement. Each Test Oversight Committee member shall ensure that the supporting data is accurate and complete.

* * * * *

8. Section 235.7006, Exhibit-Research and Development Streamlined Contracting Format, is amended by adding two contract clauses at the end of the listing at Part II, Section I; by removing and reserving “K.24” in the listing at Part IV, Section K; by revising “(L.15)”, “(L.18)” and by revising “(L.19)” in Part IV, Section L; and by revising the introductory text at Part IV, Section M to read as follows:

Exhibit-Research and Development Streamlined Contracting Format

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Part II—Contract Clauses

Section I, Contract Clauses

(1) Federal Acquisition Regulation clauses.

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*(I.167) * * *

*(I.168) 252.223-7006 Prohibition on Disposal of Toxic and Hazardous Materials

*(I.169) 252.249-7002 Notification of Program Termination or Reduction

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Part IV—Representations and Instructions

Section K, Representations, Certifications and Other Statements of Offerors or Quoters

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*(K.24) [Reserved]

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Section L, Instructions, Conditions, and Notices to Offerors or Quoters

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(L.15) 52.216-1 Type of Contract (See 235.7006(d)(B.1))

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(L.18) 52.233-2 Service of Protest (See 235.7006(d)(A.1)(xvii))

[*](L.19) 52.237-1 Site Visit

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Section M, Evaluation Factors for Award

Use of the standard evaluation factors is preferred. If the standard evaluation factors are modified in any way, the modifications must be clearly expressed so that the result is unambiguous. Additions to and deletions from the contents of this Section M must be

clearly annotated in the solicitation summary (see 235.7006(d)(A.1)(vii).)

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 89-26; Notice 06]

RIN 2127-AF31

Federal Motor Vehicle Safety Standard; Convex Cross View Mirrors on School Buses

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

SUMMARY: In this final rule, NHTSA amends the safety standard on rearview mirrors to reduce the duplication of the views provided by System B mirrors, which provide a view of test cylinders in the area around the front of a school bus and near the rear wheels, and System A mirrors, which provide a view of the area beneath the System A mirrors, along both sides of the bus and to the rear of the bus. The System B mirrors must also provide a view of the ground that overlaps with the view of the ground provided by System A mirrors. As a result of this final rule, the System A mirrors will no longer be required to provide a view of the ground forward of the rear wheels.

The effect of this final rule is that manufacturers will no longer have to install either an additional convex mirror, which creates a larger blind spot for the driver, or replace the existing convex mirror with a highly curved convex mirror that produces more distorted images.

This final rule is issued in response to a petition for rulemaking from Blue Bird Body Company.

DATES: This final rule is effective April 26, 1995. Petitions for reconsideration of this final rule must be received not later than April 26, 1995.

ADDRESSES: Petitions for reconsideration of this final rule should refer to the docket and notice number cited in the heading of this final rule and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. It is requested, but not required, that 10 copies be submitted.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Hott, Office of Vehicle Safety