

- (1) The name of the carrier;
 (2) A detailed description of the revisions;
 (3) The amount of the revisions;
 (4) The impact of the revisions on the carrier's calculated common line and traffic sensitive revenue requirements; and
 (5) The carrier's total annual common line and traffic sensitive revenue requirement.

[FR Doc. 95-9575 Filed 4-18-95; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 94-66; RM-8469]

Radio Broadcasting Services; Tyler, Fairfield and Commerce, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Gleiser Communications, Inc., substitutes Channel 221C3 for Channel 221A at Tyler, Texas, and modifies the license of Station KDOK(FM) to specify operation on the higher powered channel. To accommodate the upgrade at Tyler, the Commission also substitutes Channel 256A for Channel 221A at Fairfield, Texas, and Channel 277A for Channel 221A at Commerce, Texas; and modifies the licenses of Station KNES(FM) and KEMM(FM), respectively, to reflect the change in channels. See 59 FR 3589, July 14, 1994, and Supplemental Information, *infra*. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 29, 1995.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94-66, adopted April 6, 1995, and released April 14, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

The following channels can be allotted to the noted communities in compliance with the Commission's minimum distance separation requirements. Channel 221C3 can be allotted to Tyler with a site restriction

of 1.6 kilometers (1.0 miles) west to accommodate Gleiser's desired site. The coordinates for Channel 221C3 at Tyler are 32-20-42 and 95-19-08. Channels 256A and Channel 277A can be allotted to Fairfield and Commerce, respectively, at the transmitter sites specified in Stations KNES(FM) and KEMM(FM)'s licenses. The coordinates for Channel 256A at Fairfield, Texas, are 31-41-52 and 96-09-44. The coordinates for Channel 277A at Commerce, Texas, are 33-11-40 and 96-01-20.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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 Texas, is amended by removing Channel 221A and adding Channel 221C3 at Tyler; by removing 221A and adding Channel 256A at Fairfield; and by removing Channel 221A and adding Channel 277A at Commerce.

Federal Communications Commission.

John A Karousos,

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

[FR Doc. 95-9628 Filed 4-18-95; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

Defense Federal Acquisition Regulation Supplement; Restriction on Procurement of Goods

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comment.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise the existing foreign source restrictions for machine tools and valves, buses, chemical weapons antidote, air circuit breakers, and antifriction bearings, by uniformly permitting acquisition of Canadian items, expanding and standardizing the waiver criteria, and exempting acquisitions below the simplified acquisition threshold from these restrictions.

DATES: *Effective date:* April 10, 1995.

Comment date: Comments on the interim rule should be submitted in writing to the address below on or before June 19, 1995, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 94-D314 in all correspondence related to this issue.

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

SUPPLEMENTARY INFORMATION:

A. Background

This interim DFARS rule implements 10 U.S.C. 2534 as amended by Section 814 of the Fiscal Year 1995 Defense Authorization Act (Pub. L. 103-337) and Section 4102(i) of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355). Section 814 revises the existing foreign source restrictions for machine tools and valves, buses, chemical weapons, antidote, air circuit breakers, and antifriction bearings, by uniformly permitting acquisition of Canadian items, and by expanding and standardizing the waiver criteria. Section 4102(i) exempts acquisitions below the simplified acquisition threshold from these restrictions.

B. Regulatory Flexibility Act

The interim rule may 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 expands the conditions under which non-U.S. products may be acquired. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and may be obtained from the address specified herein. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 94-D314 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any additional information collection requirements which require the approval of the Office of

Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Compelling reasons exist to promulgate this rule without prior opportunity for public comment because it is necessary to implement statutory changes to 10 U.S.C. 2534. However, comments received in response to this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

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

Therefore, 48 CFR Parts 225 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

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

PART 225—FOREIGN ACQUISITION

2. Sections 225.7004, 225.7004-1, 225.7004-2, 225.7004-3, 225.7004-4, and 225.7004-5 are revised, and 225.7004-6 is added to read as follows:

225.7004 Restriction on machine tools and powered and non-powered valves.

225.7004-1 Restriction.

In accordance with 10 U.S.C. 2534, through fiscal year 1996, do not acquire, either directly as end items or indirectly on behalf of the Government, the machine tools or powered and non-powered valves in 225.7004-2 unless they are of U.S. or Canadian origin.

225.7004-2 Applicability.

(a) Machine tools restricted under this section are those tools listed in Federal supply classes of metalworking machinery in the following categories—

Federal Supply Classification (FSC)	Name
3405	Saw and filing machines.
3408	Machine centers and way type machines.
3410	Electrical and ultrasonic erosion machines.
3411	Boring machines.
3412	Broaching machines.
3413	Drilling and tapping machines.
3414	Gear cutting and finishing machines.
3415	Grinding machines.

Federal Supply Classification (FSC)	Name
3416	Lathes.
3417	Milling machines.
3418	Planers and shapers.
3419	Miscellaneous machine tools.
3426	Metal finishing equipment.
3433	Gas welding, heat cutting, and metalizing equipment.
3438	Miscellaneous welding equipment.
3441	Bending and forming machines.
3442	Hydraulic and pneumatic presses, power driven.
3443	Mechanical presses, power driven.
3445	Punching and shearing machines.
3446	Forging machinery, and hammers.
3448	Riveting machines.
3449	Miscellaneous secondary metal forming and cutting machines.
3460	Machine tool accessories.
3461	Accessories for secondary metalworking machinery.

(b) Machine tool accessories classified under FSC 3460 or 3461 are not components under 225.7004-5. Where a solicitation for machine tools includes machine tool accessories, list machine tool accessories separately. Each machine tool and each accessory must meet the requirements of this section individually.

(c) Valves restricted under this section are those powered and non-powered valves listed in Federal supply classes 4810 (valves, powered) and 4820 (valves, non-powered) used in piping for naval surface ships and submarines.

225.7004-3 Exception.

This restriction does not apply if the acquisition is below the simplified acquisition threshold.

225.7004-4 Waiver.

(a) The head of the contracting activity may waive the restriction on a case-by-case basis upon execution of a determination and findings that any of the following applies:

- (1) The restriction would cause unreasonable delays.
- (2) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(3) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, and that country does not discriminate against defense items

produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(4) Satisfactory quality items manufactured in the United States or Canada are not available.

(5) Application of the restriction would result in the existence of only one source for the item in the United States or Canada.

(6) Application of the restriction is not in the national security interests of the United States.

(7) Application of the restriction would adversely affect a U.S. company.

(b) The restriction is waived when it would cause unreasonable costs. The cost of a machine tool or valve of U.S. or Canadian origin is unreasonable if it exceeds 150 percent of the offered price, inclusive of duty, of items which are not of U.S. or Canadian origin.

225.7004-5 U.S. or Canadian origin.

(a) A valve or machine tool shall be considered to be of U.S. or Canadian origin if—

(1) It is manufactured in the United States or Canada; and

(2) The cost of its components manufactured in the U.S. or Canada exceeds 50 percent of the cost of all its components.

(b) The cost of components shall include transportation costs to the place of incorporation into the end product and duty (whether or not a duty-free certificate may be issued).

225.7004-6 Contract clauses.

(a) Unless an exception applies or a waiver has been granted, use the clause at 252.225-7017, Preference for United States and Canadian Valves and Machine Tools, in all solicitations and contracts for valves and machine tools.

(b) Consider using the clause at 252.225-7001, Buy American Act and Balance of Payments Program, and, if applicable, the clause at 252.225-7007, Trade Agreements Act, whenever an exception or waiver is anticipated. Where these clauses are used, state in the solicitation that offers which do not conform to the restrictions of the more restrictive clause will only be considered if an exception applies or a waiver is granted.

3. Section 225.7007 is revised to read as follows:

225.7007 Restriction on acquisition of foreign buses.

4. Sections 225.7007-1, 225.7007-2, 225.7007-3, and 225.7007-4 are added to read as follows:

225.7007-1 Restriction.

In accordance with 10 U.S.C. 2534, do not acquire a multipassenger motor vehicle (bus) unless it is manufactured in the United States or Canada.

225.7007-2 Applicability.

Apply this restriction if the buses are purchased, leased, rented, or made available under contracts for transportation services.

225.7007-3 Exceptions.

This restriction does not apply in any of the following circumstances:

(a) Buses manufactured outside the United States and Canada are needed for temporary use because buses manufactured in the United States or Canada are not available to satisfy requirements that cannot be postponed. Such use may not, however, exceed the lead time required for acquisition and delivery of buses manufactured in the United States or Canada.

(b) The requirement for buses is temporary in nature. For example, to meet a special, nonrecurring requirement or a sporadic and infrequent recurring requirement, buses manufactured outside the United States and Canada may be used for temporary periods of time. Such use may not, however, exceed the period of time needed to meet the special requirement.

(c) Buses manufactured outside the United States and Canada are available at no cost to the U.S. Government.

(d) The acquisition is below the simplified acquisition threshold.

225.7007-4 Waiver.

(a) The head of the contracting activity may waive the restriction on a case-by-case basis upon execution of a determination and findings that any of the following applies:

(1) The restriction would cause unreasonable delays.

(2) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(3) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(4) Satisfactory quality items manufactured in the United States or Canada are not available.

(5) Application of the restriction would result in the existence of only one source for the item in the United States or Canada.

(6) Application of the restriction is not in the national security interests of the United States.

(7) Application of the restriction would adversely affect a U.S. company.

(b) The restriction is waived when it would cause unreasonable costs. The cost of a bus manufactured in the United States or Canada is unreasonable if it exceeds 150 percent of the offered price, inclusive of duty, of items which are not manufactured in the United States or Canada.

5. Section 225.7010 is revised to read as follows:

225.7010 Restriction on certain chemical weapons antidote.

6. Sections 225.7010-1, 225.7010-2, and 225.7010-3 are added to read as follows:

225.7010-1 Restriction.

In accordance with 10 U.S.C. 2534, do not acquire chemical weapons antidote contained in automatic injectors, or the components for such injectors, unless the injector or component is manufactured in the United States or Canada by a company that—

(a) Is a producer under the Industrial Preparedness Program at the time of contract award;

(b) Has received all required regulatory approvals; and

(c) Has the plant, equipment, and personnel to perform the contract in the United States or Canada at the time of contract award.

225.7010-2 Exception.

This restriction does not apply if the acquisition is below the simplified acquisition threshold.

225.7010-3. Waiver.

(a) The head of the contracting activity may waive the restriction on a case-by-case basis upon execution of a determination and findings that any of the following applies:

(1) The restriction would cause unreasonable delays.

(2) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(3) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, and that country does not discriminate against defense items

produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(4) Satisfactory quality items manufactured in the United States or Canada are not available.

(5) Application of the restriction would result in the existence of only one source for the item in the United States or Canada.

(6) Application of the restriction is not in the national security interests of the United States.

(7) Application of the restriction would adversely affect a U.S. company.

(b) The restriction is waived when it would cause unreasonable costs. The cost of the injector or component manufactured in the United States or Canada is unreasonable if it exceeds 150 percent of the offered price, inclusive of duty, of items which are not manufactured in the United States or Canada.

7. Sections 225.7016-1, 225.7016-2, and 225.7016-3 are revised to read as follows:

225.7016-1 Restriction.

In accordance with 10 U.S.C. 2534, do not acquire air circuit breakers for naval vessels unless they are manufactured in the United States or Canada.

225.7016-2 Exceptions.

This restriction does not apply if—

(a) The acquisition is below the simplified acquisition threshold; or

(b) Spares and repair parts are needed to support air circuit breakers manufactured outside the United States or Canada. Support includes the purchase of spare air circuit breakers where those from alternate sources are not interchangeable.

225.7016-3 Waiver.

(a) The head of the contracting activity may waive the restriction on a case-by-case basis upon execution of a determination and findings that any of the following applies:

(1) The restriction would cause unreasonable delays.

(2) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(3) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, and that country does not discriminate against defense items produced in the United States to a

greater degree than the United States discriminates against defense items produced in that country.

(4) Satisfactory quality items manufactured in the United States or Canada are not available.

(5) Application of the restriction would result in the existence of only one source for the item in the United States or Canada.

(6) Application of the restriction is not in the national security interest of the United States.

(7) Application of the restriction would adversely affect a U.S. company.

(b) The restriction is waived when it would cause unreasonable costs. The cost of the air circuit breaker manufactured in the United States or Canada is unreasonable if it exceeds 150 percent of the offered price, inclusive of duty, of items which are not manufactured in the United States or Canada.

8. Section 225.7016-4 is removed and section 225.7016-5 is redesignated as section 225.7016-4 and revised to read as follows:

225.7016-4 Contract clause.

Use the clause at 252.225-7029, Preference for United States or Canadian Air Circuit Breakers, in all solicitations and contracts requiring air circuit breakers for naval vessels, unless—

(a) An exception under 225.7016-2 is known to apply; or

(b) A waiver has been granted in accordance with 225.7016-3.

9. Sections 225.7019-1, 225.7019-2, 225.7019-3, and 225.7019-4 are revised to read as follows:

225.7019-1 Restriction.

In accordance with 10 U.S.C. 2534, through fiscal year 1995, do not acquire antifriction bearings or bearing components which are not manufactured in the United States or Canada.

225.7019-2 Exceptions.

The restriction in 225.7019-1 does not apply to—

(a) Acquisitions below the simplified acquisition threshold;

(b) Purchases of commercial products incorporating antifriction bearings;

(c) Miniature and instrument ball bearings restricted under 225.71;

(d) Items acquired overseas for use overseas; or

(e) Antifriction bearings or bearing components or items containing bearings for use in a cooperative or co-production project under an international agreement.

225.7019-3 Waiver.

The head of the contracting activity may waive the restriction in 225.7019-1—

(a) Upon execution of a determination and findings that—

(1) No domestic (U.S. or Canadian) bearing manufacturer meets the requirement;

(2) It is not in the best interests of the United States to qualify a domestic bearing to replace a qualified nondomestic bearing. This determination must be based on a finding that the qualification of a domestically manufactured bearing would cause unreasonable costs or delay. A finding that a cost is unreasonable should take into consideration DoD policy to assist the domestic industrial mobilization base. Contracts should be awarded to domestic bearing manufacturers to increase their capability to reinvest and become more competitive;

(3) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country;

(4) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country;

(5) Application of the restriction would result in the existence of only one source for the item in the United States or Canada;

(6) Application of the restriction is not in the national security interests of the United States; or

(7) Application of the restriction would adversely affect a U.S. company.

(b) For multiyear contracts or contracts exceeding 12 months, only if—

(1) The head of the contracting activity executes a determination and findings in accordance with paragraph (a) of this subsection;

(2) The contractor submits a written plan for transitioning from the use of nondomestic to domestically manufactured bearings;

(3) The plan—

(i) States whether a domestically manufactured bearing can be qualified, at a reasonable cost, for use during the course of the contract period;

(ii) Identifies any bearings that are not domestically manufactured, their application, and source of supply; and

(iii) Describes, including cost and timetable, the transition to a domestically manufactured bearing.

(The timetable for the transition should normally take no longer than 24 months from the date the waiver is granted); and

(4) The contracting officer accepts the plan and incorporates it in the contract.

225.7019-4 Contract clause.

Use the clause at 252.225-7016, Restriction on Acquisition of Antifriction Bearings, in all solicitations and contracts, unless—

(a) An exception applies or a waiver has been granted; or

(b) The contracting officer knows that the items being acquired do not contain antifriction bearings.

Subpart 252.2—Texts of Provisions and Clauses

10. Section 252.225-7017 is amended by revising in the introductory text the reference “225.7004-5(a)” to read “225.7004-6(a);” by revising the clause date to read “(APR 1995)” in lieu of “(APR 1992);” and by revising paragraph (c) to read as follows:

252.225-7017 Preference for United States and Canadian valves and machine tools.

* * * * *

(c) Unless an exception applies or a waiver is granted under 225.7004-4(a) of the Defense Federal Acquisition Regulation Supplement, preference will be given to valves and machine tools of United States or Canadian origin by adding 50 percent to the offered price of all other valves and machine tools for evaluation purposes.

(End of clause)

11. Section 252.225-7029 is revised to read as follows:

252.225-7029 Preference for United States or Canadian air circuit breakers.

As prescribed in 225.7016-4, use the following clause:

Preference for United States or Canadian Air Circuit Breakers (Apr 1995)

(a) Unless otherwise specified in its offer, the Contractor agrees that air circuit breakers for naval vessels provided under this contract shall be manufactured in the United States or Canada.

(b) Unless an exception applies or a waiver is granted under 225.7016-3(a) of the Defense Federal Acquisition Regulation Supplement, preference will be given to air circuit breakers manufactured in the United States or Canada by adding 50 percent to the offered price of all other air circuit breakers for evaluation purposes.

(End of clause)

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