

PART 258—CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS

1. The authority section for part 258 continues to read as follows:

Authority: 42 U.S.C. 6907(a)(3), 6912(a), 6944(a) and 6949a(c); 33 U.S.C. 1345 (d) and (e).

2. Section 258.74 is amended by revising paragraphs (a)(3), (a)(4), (a)(6), (c)(3), and (d)(3) to read as follows:

§ 258.74 Allowable mechanisms.

* * * * *

(a) * * *

(3) For a trust fund used to demonstrate financial assurance for closure and post-closure care, the first payment into the fund must be at least equal to the current cost estimate for closure or post-closure care, except as provided in paragraph (k) of this section, divided by the number of years in the pay-in period as defined in paragraph (a)(2) of this section. The amount of subsequent payments must be determined by the following formula: $Next\ Payment = [CE - CV]/Y$ where CE is the current cost estimate for closure or post-closure care (updated for inflation or other changes), CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

(4) For a trust fund used to demonstrate financial assurance for corrective action, the first payment into the trust fund must be at least equal to one-half of the current cost estimate for corrective action, except as provided in paragraph (k) of this section, divided by the number of years in the corrective action pay-in period as defined in paragraph (a)(2) of this section. The amount of subsequent payments must be determined by the following formula: $Next\ Payment = [RB - CV]/Y$

where RB is the most recent estimate of the required trust fund balance for corrective action (i.e., the total costs that will be incurred during the second half of the corrective action period), CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

* * * * *

(6) If the owner or operator establishes a trust fund after having used one or more alternate mechanisms specified in this section, the initial payment into the trust fund must be at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to the specifications of this paragraph and paragraph (a) of this section, as applicable.

* * * * *

(c) * * *

(3) The letter of credit must be irrevocable and issued for a period of at least one year in an amount at least equal to the current cost estimate for closure, post-closure care or corrective action, whichever is applicable, except as provided in paragraph (k) of this section. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless the issuing institution has cancelled the letter of credit by sending notice of cancellation by certified mail to the owner and operator and to the State Director 120 days in advance of cancellation. If the letter of credit is cancelled by the issuing institution, the owner or operator must obtain alternate financial assurance.

* * * * *

(d) * * *

(3) The insurance policy must be issued for a face amount at least equal to the current cost estimate for closure or post-closure care, whichever is applicable, except as provided in paragraph (k) of this section. The term *face amount* means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-121; RM-8220]

Radio Broadcasting Services; Buena Vista, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 281C3 for Channel 281A at Buena Vista, Colorado, and modifies the Class A authorization for Station KBVC(FM) to specify operation on the higher powered channel, as requested by Riley M. Murphy. See 58 FR 31183, June 1, 1993. Coordinates used for Channel 281C3 at Buena Vista are 38-39-49 and 106-12-50. With this action, the proceeding is terminated.

EFFECTIVE DATE: September 18, 1995.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 93-121, adopted July 27, 1995, and released August 2, 1995. 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 removing Channel 281A and adding Channel 281C3 at Buena Vista.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 95-19362 Filed 8-4-95; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Chapter 2

Defense Federal Acquisition Regulation Supplement (DFARS); Revision of Authority Citation

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Defense Acquisition Regulations (DAR) Council is revising the authority citations for 48 CFR Chapter 2 to update the authority for issuance of the Defense FAR Supplement. In addition, the DAR Council is adding the new authority citation to Appendix G as an authority citation was previously inadvertently omitted.

EFFECTIVE DATE: August 7, 1995.

FOR FURTHER INFORMATION CONTACT:
Lucile Martin, (703) 602-0131.

List of Subjects for 48 CFR Chapter 2

Government procurement.

Accordingly, under the authority of 41 U.S.C. 421 et seq., the Defense FAR Supplement authority citation for 48 CFR Parts 201 through 253 and Appendices A through I of Chapter 2 is revised and a new authority citation for Appendix G is added to read as follows:

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

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 95-19315 Filed 8-14-95; 8:45 am]

BILLING CODE 5000-04-M

48 CFR Parts 206, 207, 215, 219, and 252

[DFARS Case 95-D701]

Defense Federal Acquisition Regulation Supplement; Contract Award (Interim)

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comment.

SUMMARY: This interim rule is issued pursuant to the Federal Acquisition Streamlining Act of 1994 ("the Act"). The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement concerning acquisition planning, contracting by negotiation, and competition requirements as a result of changes to Title 10 U.S.C. by Sections 1506, 3065, 3066, and 7101(b) of the Act.

DATES: *Effective Date:* August 7, 1995.

Comment Date: Comments on the interim rule should be submitted in writing to the address shown below on or before October 6, 1995 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 95-D701 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT:
Ms. Mellissa D. Rider, DFARS FASTA Implementation Secretariat, at (703) 614-1634. Please Cite DFARS case 95-D701.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Acquisition Streamlining Act of 1994, Pub. L. 103-355 ("the Act"), dated October 13, 1994, provides authorities that streamline the acquisition process and minimize burdensome Government-unique requirements. Major changes that can be expected in the acquisition process as a result of the Act's implementation include changes in the areas of Commercial Item Acquisition, Simplified Acquisition Procedures, the Truth in Negotiations Act, and introduction of the Federal Acquisition Computer Network (FACNET).

DFARS Case 95-D701 addresses six defense-unique sections of the Act that were given immediate effectivity by Section 10001(c) of the Act: Section 1506, Repeal of Requirement Relating to Production Special Tooling and Production Special Test Equipment; Section 1507, Regulations for Bids; Section 3063, DoD Acquisition of Intellectual Property Rights; Section 3065, Codification and Revision of Limitation on Lease of Vessels, Aircraft, and Vehicles; Section 3066, Soft Drink Supplies; and Section 7101(b), Repeal of Certain Requirements. Following is a discussion of the changes associated with each section:

Section 1506, Repeal of Requirement Relating to Production Special Tooling and Production Special Test Equipment—This section repeals 10 U.S.C. 2329, which contained requirements relating to production special tooling and production special test equipment. The requirements of 10 U.S.C. 2329 had been implemented at DFARS 215.871 and was the sole reason that section was created. The interim rule removes and reserves DFARS 215.871.

Section 1507, Regulations for Bids—This section amends 10 U.S.C. 2381(a) to vest the Secretary of Defense with the authority to prescribe regulations covering the preparation, submission, and opening of bids. Existing FAR coverage at Subpart 1.3 already vests the Secretary of Defense with this authority, especially when one considers that 5 U.S.C. allows agency heads, such as the Secretary of Defense, to structure the internal administrative procedures of his/her agency to support, among other things, the procurement process. Therefore, DFARS was not amended to implement this Section of the Act.

Section 3063, DoD Acquisition of Intellectual Property Rights—This section of the Act rewords the listing of the types of copyrights, designs, patents, processes, etc., in which DoD may

obtain rights in data, to include technical data and computer software and releases of past infringements or unauthorized use of technical data and computer software. Since the existing guidance at DFARS Part 227 already covers these types of situations, no change has been made to DFARS.

Section 3065, Codification and Revision of Limitation on Lease of Vessels, Aircraft, and Vehicles—This section of the Act adds a new section at 10 U.S.C. 2401a, which requires DoD to consider all costs and make a written determination prior to entering into any contract with a term of 18 months or more, or extending or renewing any contract for a term of 18 months or more, for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement. A new section is added at DFARS 207.470 to implement this section of the Act.

Section 3066, Soft Drink Supplies—This section of the Act amends 10 U.S.C. 2424, which authorizes noncompetitive procurement of supplies and services from exchange stores outside the United States, to make the limitations of 10 U.S.C. 2424(b) (1) and (2) inapplicable to the purchase of U.S. manufactured soft drinks. Those limitations (i.e., contract dollar value not to exceed \$50,000 and the requirement that supplies be on hand at the exchange store on the contract award date) created purchasing problems for the Defense Personnel Support Center (DPSC), the DLA activity currently responsible for commissary supplies of soft drinks. This interim rule amends the DFARS at 206.302-5(b), to specify that U.S. manufactured soft drinks are not subject to the limitation of 10 U.S.C. 2424(b) (1) and (2).

Section 7101(b), Repeal of Certain Requirements—This section repeals Section 804 of Public Law 102-484, Certificate of Competency Requirements. This statute was implemented at DFARS 219.602-1(a), 219.602-70, and 252.219-7009. As the statutory requirement has been deleted, the interim rule deletes these DFARS sections.

B. Regulatory Flexibility Act

The interim rule is not expected to 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 amendment at DFARS 206.302-5 pertains only to purchases made outside the United States for use by armed forces outside the United States; the amendment at DFARS Subpart 207.4 pertains to internal Government considerations regarding