

Agency, Region II, 290 Broadway, 19th Floor, New York, New York 10007-1866, (212) 637-4413.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Jackson Township Landfill Site in Ocean County, New Jersey.

A Notice of Intent to Delete for this site was published April 26, 1995 (60 FR 20473). The closing date for comments on the Notice of Intent to Delete was May 26, 1995. EPA received no comments and therefore has not prepared a Responsiveness Summary.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund)—financed remedial actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Hazardous substances, Hazardous waste, Intergovernmental relations.

Dated: May 21, 1995.

William J. Muszynski,

Acting Regional Administrator.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp. p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp. p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the “entry for Jackson Township Landfill Site” in Ocean County, New Jersey.

[FR Doc. 95-22489 Filed 9-12-95; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-25; RM-8588, RM-8633]

Radio Broadcasting Services; Waldport and Depoe Bay, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission denies the request of Jarvis Communications, Inc. to allot Channel 288A to Waldport, Oregon, as the community’s first local FM service. See 60 FR 10533, February 27, 1995. The Commission grants the request of Ginna Jones to allot Channel 288A to Depoe Bay, Oregon, as its first local FM service. Channel 288A can be allotted to Depoe Bay in compliance with the Commission’s minimum distance separation requirements without the imposition of a site restriction, at coordinates 44-48-42 North Latitude and 124-03-42 West Longitude. With this action, this proceeding is terminated.

DATES: Effective October 23, 1995. The window period for filing applications will open on October 23, 1995, and close on November 24, 1995.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s *Report and Order*, MM Docket No. 95-25, adopted August 31, 1995, and released September 8, 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, DC. The complete text of this decision may also be purchased from the Commission’s copy contractor, International Transcription Service, Inc., (202) 857-3800, 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 Oregon, is amended by adding Depoe Bay, Channel 288A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-22785 Filed 9-12-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[BC Docket No. 79-269; RM-3392, RM-3398]

Television Broadcasting Service; Syracuse, New York; Correction

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains a correction to the Television Table of Allotments as published in the October 1, 1994, revision of 47 CFR part 73. The listing for Syracuse, New York, in § 73.606(b) incorrectly shows Channel 62 + instead of Channel 68 -. Channel 68 - was substituted for Channel 62 + at Syracuse pursuant to the *Second Report and Order*, BC Docket No. 79-269, 49 FR 21931, May 24, 1984.

EFFECTIVE DATE: September 13, 1995.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION:

Background

Channel 68 - was substituted for Channel 26 + at Syracuse, NY, and Channel 62 was substituted for Channel 63 at Kingston, New York, in order to allot Channel 63 to Newton, New Jersey.

Need for Correction

As published, the final regulation contains a wrong channel allotment at Syracuse, NY, which is misleading and needs correction.

List of Subjects in 47 CFR Part 73

Television broadcasting.

PART 73—RADIO BROADCAST SERVICES

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

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.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under New York, is amended by removing Channel 62 + and adding Channel 68 – at Syracuse.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–22786 Filed 9–12–95; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF ENERGY**48 CFR Parts 923 and 970**

RIN 1991–AB05

Acquisition Regulation; Acquisition and Use of Environmentally Preferable Products and Services

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) amends the Department of Energy Acquisition Regulation (DEAR) to provide for the acquisition and use of environmentally preferable products and services.

EFFECTIVE DATE: October 13, 1995.

FOR FURTHER INFORMATION CONTACT: P. Devers Weaver, Office of Policy (HR–51), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585; telephone 202–586–8250.

SUPPLEMENTARY INFORMATION:**Table of Contents**

- I. Background.
- II. Disposition of Comments.
- III. Procedural Requirements.
 - A. Review Under Executive Order 12866.
 - B. Review Under the National Environmental Policy Act.
 - C. Review Under the Paperwork Reduction Act.
 - D. Review Under the Regulatory Flexibility Act.
 - E. Review Under Executive Order 12612.
 - G. Review Under Executive Order 12778.

I. Background

A proposed rule was published in the January 11, 1995, **Federal Register** at 60 FR 2727. It proposed to amend the DEAR to provide a contract clause, Acquisition and Use of Environmentally Preferable Products and Services. The clause is to be incorporated in DOE management and operating contracts to promote the acquisition and use of environmentally preferable products and services, in accordance with specified Department of Energy and other Federal policies.

Subparagraph (a)(3) of the clause Acquisition and Use of Environmentally

Preferable Products and Services (DEAR 970.5204–39) has been amended to reflect the May 1, 1995, Environmental Protection Agency rule at 40 CFR Part 247 (60 FR 21370) which superseded prior Part 247 and removed 40 CFR Parts 248, 249, 250, 252, and 253.

We note an amendment to the Federal Acquisition Regulation (FAR) covering environmentally preferable products published in the May 31, 1995, **Federal Register** (60 FR 28492). The FAR coverage addresses Federal policy and contract clauses involving environmentally preferable products. Today's rule is consistent with the FAR and supplements the FAR with requirements that meet needs that are unique to DOE management and operating contracts.

II. Disposition of Comments

Comments, due by March 13, 1995, were received from two organizations. One was a DOE field organization and one was an industrial firm in the private sector.

One comment suggests that DOE should delay finalization of the proposed rule until the Environmental Protection Agency (EPA) publishes further guidelines for the procurement of products containing recovered materials, pursuant to Executive Order 12873 of October 20, 1993, entitled "Federal Acquisition Recycling and Waste Prevention." These new EPA guidelines, according to the commenter, would evaluate products based upon multiple attributes, such as energy consumption in the manufacture of recycled products, rather than on the single factor of being made from recycled contents.

DOE has adopted EPA guidelines for the acquisition and use of products containing recovered materials (10 CFR Parts 247–253) based on the expertise of the EPA in environmental matters. The contract clause which is the subject of this rule requires DOE management and operating contractors to comply with the requirements of the DOE "Affirmative Procurement Program for Products Containing Recovered Materials" (APP). The APP will be periodically updated to account for changes in EPA guidelines. Therefore, DOE will incorporate future changes in published EPA guidelines and does not need to further delay publication of this rule to accommodate this comment.

Another comment asked that subparagraph (a)(4) of the proposed clause at 970.5204–39, Acquisition and Use of Environmentally Preferable Products and Services, be amended by adding the words "and provided to the contractor by the Contracting Officer for

implementation" at the end of the subparagraph, to ensure that a contractor is aware of the existence of guidance documents. The proposed clause provides that a contractor shall comply with requirements in the document "U.S. Department of Energy Affirmative Procurement Program for Products Containing Recovered Materials," and related guidance documents as they are identified in writing by the contracting officer. It is necessary for DOE to identify the documents with which a management and operating contractor is to comply, but this does not require that the document be provided by the contracting officer. (As a practical matter, DOE program officials will often provide the contractor with the relevant guidance documents.) The clause is not being amended.

III. Procedural Requirements*A. Review Under Executive Order 12866*

This regulatory action has been determined not to be a "significant regulatory action" under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993). Accordingly this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

B. Review Under the National Environmental Policy Act

Pursuant to the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), the Department has established guidelines for its compliance with the provisions of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). Pursuant to Subpart D of 10 CFR Part 1021, National Environmental Policy Act Implementing Procedures, the Department of Energy has determined that this rule is categorically excluded from the need to prepare an environmental impact statement or environmental assessment. This rule establishes a clause and practices for the purchase of goods and services and does not require preparation of an environmental impact statement or an environmental assessment under categorical exclusion A6 of Subpart D.

C. Review Under the Paperwork Reduction Act

To the extent that new information collection or recordkeeping requirements are imposed by this rulemaking, they are provided for under Office of Management and Budget paperwork clearance package No. 1910–0300.