

Federal Communications Commission.

John A. Karousos,

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

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47 CFR Part 73

[MM Docket No. 93-17; RM-8170]

Radio Broadcasting Services; Sharon, CT, Rosendale, WA and West Hurley, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of the State University of New York, allots Channel 273A to Rosendale, New York. See 58 FR 11204 (Feb. 24, 1993). The Commission denies that portion of petitioner's request that sought modification of Station WFNP's license from Channel 204A to Channel 273A. The counterproposals filed jointly by Sacred Heart University, Inc. and Radio South Burlington to modify Sharon, Connecticut, Station WQQQ's license from Channel 277A to Channel 273A, reallocate Channel 273A to Washington, New York, and reserve Channel 277A at Sharon for noncommercial educational use, was dismissed.

DATES: Effective December 4, 1995. The window period for filing applications will open on December 4, 1995, and close on January 4, 1996.

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. 93-17, adopted October 3, 1995, and released October 20, 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.

Additionally a proposal by Raymond Natole to allot Channel 255A to West Hurley, New York, will be the subject of a separate Notice of Proposed Rule Making. Channel 273A can be allotted to Rosendale in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.7 kilometers (2.9 miles)

southeast, at coordinates North Latitude 41-49-14 and West Longitude 74-02-13, to avoid a short-spacing to Station WUUU, Channel 273B, Rome, New York. Canadian concurrence has been received since Rosendale is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is 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: Secs 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Rosendale, Channel 273A.

Federal Communications Commission.

John A. Karousos,

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DEPARTMENT OF DEFENSE

48 CFR Parts 219 and 252

Defense Federal Acquisition Regulation Supplement; Small Disadvantaged Business Utilization Program

AGENCY: Department of Defense (DoD).

ACTION: Suspension.

SUMMARY: The Under Secretary of Defense for Acquisition and Technology has suspended those sections of the Defense Federal Acquisition Regulation Supplement (DFARS) which prescribe set-aside of acquisitions for small disadvantaged businesses. This action has been reviewed by the Office of Management and Budget under Executive Order 12866.

DATES: Effective Date: October 23, 1995. **Comment Date:** Comments on the suspension should be submitted in writing to the address below on or before November 27, 1995.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan Schneider, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301-

3062. Telefax number (703) 602-0350. Please cite Holding File 95-H746 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This suspends Defense Federal Acquisition Regulation Supplement (DFARS) sections 219.501(S-70), 219.502-2-70, 219.502-4, 219.504(b)(i), 219.506, 219.508(e), 219.508-70, and contract clause 252.219-7002. This suspension takes account of the Supreme Court's decision in *Adarand Constructors, Inc. v. Pena*, 63 U.S.L.W. 4523 (U.S. June 12, 1995).

B. Regulatory Flexibility Act

This suspension 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 suspension precludes contracting officers from setting aside acquisitions for small disadvantaged business. The objective of the suspension is to take account of the decision of the Supreme Court in *Adarand Constructors, Inc. v. Pena*, 63 U.S.L.W. 4523 (U.S. June 12, 1995) while an interagency government-wide review of affirmative action programs is conducted. 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 DFARS subparts will be considered in accordance with Section 610 of the Regulatory Flexibility Act. Such comments must be submitted separately and cite DFARS Holding File 95-H746 in correspondence.

C. Paperwork Reduction Act

This suspension 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.*

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

List of Subjects in 48 CFR Parts 219 and 252

Government procurement.

Accordingly, Parts 219 and 252 are amended as follows:

PARTS 219 AND 252—[AMENDED]

1. The authority citation for 48 CFR Parts 219 and 252 continues to read as follows:

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

219.501 (S-70), 219.502-2-70, 219.502-4, 219.506, 219.508, and 219.508-70 [Suspended]

2. Sections 219.501(S-70), 219.502-2-70, 219.502-4, 219.504(b)(i), 219.506, 219.508(e), and 219.508-70, are suspended.

252.219-7002 [Suspended]

3. Section 252.219-7002 is suspended.

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GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 504, 507, 508, 509, 515, 516, 519, 528, 536, 541, 549, and 552

[APD 2800.12A, CHGE 68]

RIN 3090-AF80

General Services Administration Acquisition Regulation; Miscellaneous Changes

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is amended to implement portions of the Federal Acquisition Streamlining Act of 1994 (FASA). This change to the GSAR implements those Federal Acquisition Regulation (FAR) changes, makes other changes to reflect suggestions previously submitted for streamlining the regulations or implementing themes in the Vice President's National Performance Review, and makes miscellaneous changes and corrections.

EFFECTIVE DATE: October 30, 1995.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Office of GSA Acquisition Policy (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the Federal Register for public comment because it merely revises the GSAR to conform to the FAR and makes other changes in agency internal operating procedures.

B. Executive Order 12866

This rule was not submitted to the Office of Management and Budget because it is not a significant rule as defined in Executive Order 12866, Regulatory Planning and Review.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply because this rule is not a significant revision as defined in FAR 1.501-1.

D. Paperwork Reduction Act

This rule does not impose any information collection or recordkeeping requirements that require the approval of OMB under 44 U.S.C. 3501, *et seq.* Therefore, the requirements of the Paperwork Reduction Act do not apply.

List of Subjects in 48 CFR Parts 501, 504, 507, 508, 509, 515, 516, 519, 528, 536, 541, 549 and 552

Government procurement.

Accordingly, 48 CFR Parts 501, 504, 507, 508, 509, 515, 516, 519, 528, 536, 541, 549 and 552 are amended as follows:

1. The authority citation for 48 CFR Parts 501, 504, 507, 508, 509, 515, 516, 519, 528, 536, 549 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM

501.700 [Removed]

501.704 [Removed]

501.704-70 [Removed]

2. Sections 501.700, 501.704 and 501.704-70 are removed.

3. Section 501.707 is revised to read as follows:

501.707 Signatory authority.

The FAR frequently refers to determinations being made by the agency head. Section 309 of the Federal Property and Administrative Services Act defines agency head and provides that at the option of the Administrator, the term may include the chief official of any principal organizational unit of the GSA. The Administrator has authorized the heads of contracting activities to act as agency head to facilitate the procurement of property and services under Title III of the Federal Property and Administrative Services Act. (See GSA Delegation of Authority Manual, ADM P 5450.39C.) When the applicable statute precludes redelegation of the authority, the Administrator must sign the D&F (see

for example, FAR 6.302-7). Class D&Fs, if authorized, must be signed by the HCA.

PART 504—ADMINISTRATIVE MATTERS

4. Section 504.7001-2 is amended by revising paragraph (c) to read as follows, and by removing the words "small purchases" in paragraph (f) service/office designation M and P, and inserting "simplified acquisition" in their place.

504.7001-2 Basic procurement instrument identification number.

* * * * *

(c) The fifth character is a capital letter assigned to the service/office preparing the instrument as follows:

- B Office of the Chief Financial Officer
- F Federal Supply Service
- G GSA Board of Contract Appeals
- C Office of Management and Human Resources
- J Office of Inspector General
- K Information Technology Service
- L Office of General Counsel
- P Public Buildings Service
- T Federal Telecommunications Service

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PART 507—ACQUISITION PLANNING

5. Section 507.104 is amended by revising paragraphs (c), (d), and (e) to read as follows:

507.104 General procedures.

* * * * *

(c) Limited plans must be in writing, unless waived under paragraph (d) of this section.

(d) The contracting director may waive the requirement for a written limited acquisition plan (1) for recurring annual acquisitions or (2) in cases of unusual or compelling urgency. The individual responsible for preparing the plan shall present (as a minimum) an oral plan to at least the next higher level for approval. The file must summarize the content of the oral plan and the name of the individual that approved it. In cases of unusual or compelling urgency, the summary must also indicate the nature of the urgency and may be prepared after award when preparation before award would unreasonably delay the acquisition. The summary may be included in the justification required by FAR 6.302-2(c).

(e) Acquisition plans for contracts which propose using other than full and open competition must be coordinated with and concurred in by the cognizant competition advocate unless the