EACH by the State that has received the grant.

(2) HCFA designates a hospital as an EACH if—

(i) The hospital—

(A) Is not eligible for State designation as an EACH solely because the hospital has fewer than 75 inpatient beds and is located 35 miles or less from any other hospital; and

(B) Is located more than 35 miles from the nearest hospital having 75 or more inpatient beds, and is recommended by the State for designation as the EACH member of a proposed network; or

(ii) The following criteria are met—

(A) The hospital seeking EACH designation has entered into a network agreement under § 485.603 of this chapter with a facility that the State has designated as an RPCH, and the hospital designated as an RPCH by the State does not have a network agreement with any existing EACH;

(B) The facility that the State has designated as an RPCH, and that has entered into the network agreement described in paragraph (c)(2)(ii)(A) of this section, is located more than 35 miles from any other hospital having 75 or more inpatient beds;

(C) The distance between the facility that the State has designated as an RPCH and the hospital seeking designation as an EACH is less than the distance between the facility that the State has designated as an RPCH and the nearest hospital that has 75 or more inpatient beds or is designated as an EACH;

(D) The State certifies to HCFA that—

(*1*) The rural health network emergency and medical backup services actually being provided by the hospital seeking EACH designation are essential to the continued existence of the facility as a RPCH; and

(*2*) The existence of the facility as an RPCH is needed to ensure access to health care services in the area of the State served by the RPCH.

For purposes of this paragraph (c)(2)(ii), the location of a hospital will not be considered unless the hospital participates in Medicare under §§ 482.1 through 482.57 of this chapter.

* * * * *

(f) *Termination of EACH designation under paragraph (c)(2)(ii)(D).* If HCFA determines that the criteria in paragraph (c)(2)(ii)(D) of this section are no longer met with respect to a hospital HCFA has designated as an EACH under that paragraph, HCFA will terminate the EACH designation of the hospital, effective with discharges occurring on or after 30 days after the date of the determination.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance, and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 6, 1996.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

Dated: May 8, 1996.

Donna E. Shalala,

Secretary.

[FR Doc. 96–11990 Filed 5–9–96; 10:26 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94–156; RM–8564]

Radio Broadcasting Services; Hawesville, KY and Tell City, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of WLME, Inc, substitutes Channel 246A for Channel 289A at Hawesville, Kentucky, and modifies Station WKCM-FM's license accordingly. To accommodate the allotment, we also substitute Channel 289A for vacant Channel 245A at Tell City, Indiana. *See* 60 FR 90, January 3, 1995. Channel 246A can be substituted for Channel 289A at Hawesville in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.7 kilometers (2.3 miles) northeast at petitioner's presently licensed site. The reference coordinates for Channel 246A at Hawesville are North Latitude 37–55–33 and West Longitude 86–43–19. *See* Supplementary Information, *infra.*

EFFECTIVE DATE: June 17, 1996.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 94–156, adopted April 24, 1996, and released May 3, 1996. 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 contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Additionally, Channel 289A can be substituted for vacant Channel 245A at Tell City, Indiana, in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.6 kilometers (7.8 miles) south in order to avoid short-spacings to the licensed sites of Station WASE(FM), Channel 288A, Fort Knox, Kentucky, and Station WUZR(FM), Channel 289A, Bicknell, Indiana. The modified reference coordinates for Channel 289A at Tell City are North Latitude 37–50–49 and West Longitude 86–43–27. 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: Sections 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 Kentucky, is amended by removing Channel 289A and adding Channel 246A at Hawesville.

3. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by removing Channel 245A and adding Channel 289A at Tell City.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 96–11815 Filed 5–10–96; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF DEFENSE

48 CFR Part 231

[DFARS Case 96–D303]

Defense Federal Acquisition Regulation Supplement; Cost Reimbursement Rules for Indirect Costs—Private Sector

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement to permit the DoD to enter into a defense

capability preservation agreement with a defense contractor where it would facilitate the achievement of the policy objectives relating to defense reinvestment, diversification, and conversion set forth in 10 U.S.C. 2501(b).

DATES: *Effective date:* May 13, 1996.

Comment date: Comments on the interim rule and the associated information collection requirement should be submitted in writing to the address shown below on or before July 12, 1996, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUSD (A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 96–D303 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT:

Ms. Sandra G. Haberlin, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule adds Subsection 231.205–71 to the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104–106). Section 808 permits the DoD to enter into a defense capability preservation agreement with a defense contractor where it would facilitate the achievement of the policy objectives relating to defense reinvestment, diversification, and conversion set forth in 10 U.S.C. 2501(b). Such an agreement would permit the contractor to claim certain indirect costs, attributable to its private sector work, on its defense contracts.

B. 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. This rule implements Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104–106), which was effective upon enactment on February 10, 1996. However, comments received in response to the publication of this interim rule will be considered in formulating the final rule.

C. 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 most contracts awarded to small entities are awarded on a competitive fixed-price basis and do not require application of the cost principles contained in this rule. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart will also be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite 5 U.S.C. 601 *et seq.* (DFARS Case 96–D303), in correspondence.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (Pub. L. 104–13) applies because the interim rule contains a new information collection requirement. A request for approval of a new information collection requirement, under the emergency processing provisions of Section 3502(j) of the Paperwork Reduction Act, was submitted to the Office of Management and Budget and approved through July 31, 1996, under OMB Number 0704–0387. The necessary regular request for approval of the information collection requirement has been submitted to the Office of Management and Budget under Section 3507(d) of the Act.

Comments are invited. Particular comments are solicited on:

a. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

b. The accuracy of the agency's estimate of the burden of the information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

Title, Associated Form, and OMB Number: Defense Preservation Capability Agreements, DFARS Subsection 231.205–71, OMB Number 0704–0387.

Needs and Uses: This information collection requirement is a direct result of Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104–106). Section 808 and this interim rule permit the Department of Defense (DoD) to enter into a defense capability preservation agreement with a defense contractor. This agreement would permit the contractor to claim certain indirect costs attributable to its private sector work as allowable costs on its defense contracts. Before such an agreement may be entered into, DoD must make a determination that the agreement would facilitate DoD's achievement of the policy objectives relating to defense reinvestment, diversification, and conversion set forth in 10 U.S.C. 2501(b). In order to make this determination, DoD must obtain supporting information from the contractor requesting the agreement. The informational copy to be provided to the cognizant administrative contracting officer (ACO) will facilitate early involvement of the ACO, who will be a key player in compiling data for evaluation of the request.

Affected Public: Businesses or other for profit.

Annual Burden Hours: 4,000.

Number of Respondents: 50.

Average Burden Per Response: 80 Hours.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The collection of information is required each time a defense contractor requests to enter into a defense capability preservation agreement with DoD, in accordance with Section 808 of Pub. L. 104–106. Such an agreement would permit the contractor to claim certain indirect costs attributable to its private sector work as allowable costs on its defense contracts. The law does not require contractors to submit the information. The law does require, however, that before a defense capability preservation agreement may be entered into, DoD must make a determination that such an agreement would facilitate DoD's achievement of the policy objectives relating to defense reinvestment, diversification, and conversion set forth in 10 U.S.C. 2501(b). In order to make this determination, DoD must obtain supporting information from the contractor requesting the agreement. The rule also recommends that the contractor submit a copy of any request for such an agreement to the cognizant administrative contracting officer.

List of Subjects in 48 CFR Part 231

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 231 is amended as follows:

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

1. The authority citation for 48 CFR Part 231 continues to read as follows:

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

2. Section 231.205–71 is added to read as follows:

231.205–71 Defense capability preservation agreements.

(a) *Scope and authority.* Where it would facilitate the achievement of the policy objectives relating to defense reinvestment, diversification, and conversion set forth in 10 U.S.C. 2501(b), DoD may enter into a ''defense capability preservation agreement'' with a contractor. As authorized by Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106), such an agreement would permit the contractor to claim certain indirect costs attributable to its private sector work as allowable costs on its defense contracts.

(b) *Procedure.* A contractor may submit a request for such an agreement, together with appropriate justification, through the Assistant Secretary of Defense for Economic Security, to the Under Secretary of Defense for Acquisition and Technology, who has exclusive approval or disapproval authority. The contractor should also provide an informational copy of any such request to the cognizant administrative contracting officer.

[FR Doc. 96–11887 Filed 5–10–96; 8:45 am]
BILLING CODE 5000–04–M

DEPARTMENT OF ENERGY

48 CFR Parts 904, 906, 911, 912, 913, 915, 919, 925, 926, 933, 950, 952 and 970

RIN 1991–AB27

Acquisition Regulation; Technical Amendments

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) today issues a final rule to make technical, non-substantive amendments to the Department of Energy Acquisition Regulation (DEAR). The Federal Acquisition Regulation (FAR) was amended several times to implement various parts of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355. This rule amends sections of the DEAR to conform to the revised provisions of the FAR.

EFFECTIVE DATE: This final rule will be effective June 12, 1996.

FOR FURTHER INFORMATION CONTACT: Richard B. Langston, Office of Policy (HR–51), Office of the Deputy Assistant Secretary for Procurement and Assistance Management, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586–8247.

SUPPLEMENTARY INFORMATION:

I. Explanation of Revisions
II. Procedural Requirements
A. Review Under Executive Order 12866
B. Review Under Executive Order 12778
C. Review Under the Regulatory Flexibility Act
D. Review Under the Paperwork Reduction Act
E. Review Under Executive Order 12612
F. Review Under the National Environmental Policy Act
G. Public Hearing Determination

I. Explanation of Revisions

The revisions in this rule are either technical and nonsubstantive in nature, or nondiscretionary. They involve the renumbering or redesignating of DEAR sections or subsections, or the substitution of new terminology for designations previously used to describe ''small purchases'' and ''small and small disadvantaged businesses.'' These revisions are intended to ensure that the DEAR conforms to the FAR to implement various parts of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355. Three amendments to the FAR created a need for this technical amendment of the DEAR. New FAR regulations governing micropurchases, i.e., acquisitions below $2,500, and simplified acquisitions, i.e., acquisitions exceeding the micropurchase level but not greater than $100,000, were published respectively on December 15, 1994 at 59 FR 64786 and July 3, 1995 at 60 FR 34741. These two amendments require changes at DEAR Parts 901, 904, 906, 913, 915, 925, 952 and 970. The third amendment affected provisions dealing with commercial items, small business, and protests. It was published on September 18, 1995, at 60 FR 48206. It requires changes at DEAR Parts 911, 912, 919, 926, and 933.

II. 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 that Executive Order, by the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

B. Review Under Executive Order 12778

Section 2 of Executive Order 12778 instructs each agency to adhere to certain requirements in promulgating new regulations and reviewing existing regulations. These requirements, set forth in sections 2 (a) and (b), include eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards for affected legal conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation specifies clearly any preemptive effect, effect on existing Federal law or regulation, and retroactive effect; describes any administrative proceedings to be available prior to judicial review and any provisions for the exhaustion of such administrative proceedings; and defines key terms. DOE certifies that this rule meets the requirements of sections 2 (a) and (b) of Executive Order 12778.

C. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act of 1980, Public Law 96–354, which requires preparation of a regulatory flexibility analysis for any rule that is likely to have a significant economic impact on a substantial number of small entities. This rule will have no impact on interest rates, tax policies or liabilities, the cost of goods or services, or other direct economic factors. It will also not have any indirect economic consequences such as changed construction rates. DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

D. Review Under the Paperwork Reduction Act

No new information collection or recordkeeping requirements are imposed by this rule. Accordingly, no OMB clearance is required under the