

shall display prominently in the upper right hand corner of the letter of transmittal a statement that the filing is made pursuant to that section and whether it is being filed on 7- or 15-days' notice.

(e) In addition to the requirements set forth in paragraph (a) of this section, any carrier filing a new or revised tariff made on 15 days' notice or less shall include in the letter of transmittal, the name, room number, street address, telephone number, and facsimile number of the individual designated by the filing carrier to receive personal or facsimile service of petitions against the filing as required under § 1.773(a)(4) of this chapter.

6. Section 61.49 is amended by adding new paragraph (l) to read as follows:

**§ 61.49 Supporting information to be submitted with letters of transmittal for tariffs of carriers subject to price cap regulation.**

\* \* \* \* \*

(l) In accordance with §§ 61.41 through 61.49, local exchange carriers subject to price cap regulation that elect to file their annual access tariff pursuant to section 204(a)(3) of the Communications Act shall submit supporting material for their interstate annual access tariffs, absent rate information, 90 days prior to July 1 of each year.

7. New section 61.51 is added to part 61 under the heading "Specific Rules for Tariff Publications" to read as follows:

**§ 61.51 LEC tariff filings requirements pursuant to section 204(a)(3) of the Communications Act.**

(a) Local exchange carriers may file tariffs pursuant to section 204(a)(3) of the Communications Act. Such tariffs shall be filed in accordance with the notice periods set forth in § 61.58(d).

(b) Local exchange carriers may elect not to file any tariffs pursuant to section 204(a)(3) of the Communications Act that may be eligible for filing under that section. Any such tariffs not filed pursuant to section 204(a)(3) of the Communications Act shall be filed in accordance with the notice requirements of §§ 61.23 and 61.58.

(c) Local exchange carrier tariff filings pursuant to section 204(a)(3) must comply with the requirements of §§ 61.38, 61.39, and 61.41 through 61.50.

(d) Local exchange carriers subject to price cap regulation that elect to file their annual access tariff pursuant to section 204(a)(3) of the Communications Act shall submit support material for

their interstate annual access tariffs, in accordance with § 61.49(l).

8. Section 61.52 is amended by adding new paragraph (c) to read as follows:

**§ 61.52 Form, size, type, legibility, etc.**

\* \* \* \* \*

(c) Local exchange carriers shall file all tariff publications and associated documents, such as transmittal letters, requests for special permission, and cost support documents, electronically in accordance with the requirements established by the Chief, Common Carrier Bureau.

9. Section 61.58 is amended by revising paragraph (a)(2), redesignating paragraphs (d) and (e) as paragraphs (e) and (f), and adding new paragraph (d) to read as follows:

**§ 61.58 Notice requirements.**

(a) \* \* \*

(2) Except for tariffs filed pursuant to section 204(a)(3) of the Communications Act, the Chief, Common Carrier Bureau, may require the deferral of the effective date of any tariff filing made on less than 120-days' notice, so as to provide for a maximum of 120-days' notice, or of such other maximum period of notice permitted by section 203(b) of the Communications Act, regardless of whether petitions under § 1.773 of this chapter have been filed.

\* \* \* \* \*

(d) *Tariffs filed pursuant to section 204(a)(3) of the Communications Act.* Local exchange carriers filing tariffs pursuant to section 204(a)(3) of the Communications Act may file the tariff on 7-days' notice if it proposes only rate decreases. Any other tariff filed pursuant to section 204(a)(3) of the Communications Act, including those that propose a rate increase or any change in terms and conditions of service other than a rate change, shall be filed on 15-days' notice.

[FR Doc. 97-3113 Filed 2-6-97; 8:45 am]

BILLING CODE 6712-01-P

**47 CFR Part 73**

[MM Docket No. 93-316, RM-8403, RM-8576]

**Radio Broadcasting Services; Douglas, Tifton and Unionville, GA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** This document denies the petition for reconsideration filed by Tifton Broadcasting Corporation and

affirms our action in the *Report and Order* 60 FR 37597 (July 21, 1995) which substituted Channel 223C3 for Channel 223A at Douglas, Georgia, reallocated Channel 223C3 from Douglas to Tifton, Georgia, and modified the construction permit for Station WKZZ(FM) accordingly. With this action, this proceeding is terminated. **EFFECTIVE DATE:** February 7, 1997.

**FOR FURTHER INFORMATION CONTACT:** Authur D. Scrutchins, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No. 93-316, adopted January 24, 1997 and released January 31, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Roomm 239), 1919 M St, 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.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-3118 Filed 2-6-97; 8:45 am]

BILLING CODE 6712-01-F

**47 CFR Part 73**

[MM Docket No. 96-209; RM-8885]

**Radio Broadcasting Services; Belview, MN**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** Action in this document allots Channel 290A to Belview, Minnesota, as that community's first local broadcast service in response to a petition filed by Harbor Broadcasting, Inc. See 61 FR 55124, October 24, 1996. The coordinates for Channel 290A at Belview are 44-42-08 and 95-14-46. There is a site restriction 12.4 kilometers (7.7 miles) northeast of the community. With this action, this proceeding is terminated.

**DATES:** Effective March 17, 1997. The window period for filing applications for Channel 290A at Belview, Minnesota, will open on March 17, 1997, and close on April 17, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 96-209, adopted January 24, 1997, and released January 31, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission'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 Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

## 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:

## 47 CFR 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 Minnesota, is amended by adding Belview, Channel 290A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-3115 Filed 2-6-97; 8:45 am]

BILLING CODE 6712-01-F

**DEPARTMENT OF DEFENSE****48 CFR Parts 212, 225, 244, and 252**

[DFARS Case 96-D333]

**Defense Federal Acquisition Regulation Supplement; Application of Berry Amendment**

**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 (DFARS) to implement Section 8109 of the National Defense Appropriations Act for Fiscal Year 1997. Section 8109 provides that, in applying the Berry Amendment (10 U.S.C. 2241 note), the term "synthetic fabric and coated synthetic fabric" shall be deemed to

include all textile fibers and yarns that are for use in such fabrics; and that the domestic source restrictions of the Berry Amendment shall apply to contracts and subcontracts for the procurement of commercial items.

**DATE:** *Effective date:* February 7, 1997.

*Comment date:* Comments on the interim rule should be submitted in writing to the address shown below on or before April 8, 1997, 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 96-D333 in all correspondence related to this issue.

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

**SUPPLEMENTARY INFORMATION:**

## A. Background

This interim rule amends the DFARS to implement Section 8109 of the National Defense Appropriations Act for Fiscal Year 1997 (Pub. L. 104-208). This rule extends the application of the Berry Amendment domestic source restrictions to textile fibers and yarns that are for use in synthetic fabric and coated synthetic fabric; requires flowdown of the Berry Amendment restrictions to subcontracts for the procurement of commercial items; and clarifies the application of Berry Amendment restrictions through the use of Federal supply classification codes.

## B. Regulatory Flexibility Act

This interim rule is expected to have a significant positive economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* An Initial Regulatory Flexibility Analysis has been prepared and is summarized as follows:

This interim rule amends the DFARS to implement Section 8109 of the National Defense Appropriations Act for Fiscal Year 1997 (Pub. L. 104-208). The aspect of the rule that is expected to benefit small entities is the requirement for flowdown of the Berry Amendment restrictions to subcontracts for the procurement of commercial items. In particular, this rule will lessen foreign competition in commercial subcontracts for the acquisition of items containing cotton and other natural fiber products or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); woven silk or woven silk blends; spun silk yarn for

cartridge cloth; canvas products; and certain specialty metals. Statistics are not readily available pertaining to the number of subcontracts for the acquisition of such items awarded to small entities under DoD prime contracts. This rule contains no new reporting, recordkeeping, or other compliance requirements for large or small entities; and does not duplicate, overlap, or conflict with any other Federal rules. The rule is expected to have a positive impact on domestic sources of certain commodities and, therefore, applies equally to both large and small entities. There are no practical alternatives that will meet the statutory requirements implemented in this rule.

A copy of the Initial Regulatory Flexibility Analysis has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. Interested parties may obtain a copy of the analysis from the address specified herein. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 96-D333 in correspondence.

## C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this interim rule does not contain any information collection requirements that require 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 that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This action is necessary because Section 8109 of the National Defense Appropriations Act for Fiscal Year 1997 (Pub. L. 104-208) was effective upon enactment on September 30, 1996. Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 212, 225, 244, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 212, 225, 244, and 252 are amended as follows: