

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 266A at Weaverville.

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. 94-78; RM-8472 and RM-8525]

Radio Broadcasting Services; Cloverdale, Montgomery, and Warrior, AL

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This document denies a petition for reconsideration filed by William P. Rogers that appeals the *Report and Order*, 60 FR 65021 (December 18, 1995), in this proceeding insofar as it did not accept Rogers' counterproposal to allot Channel 254A to Florence, Alabama. The *Report and Order* was affirmed because Rogers' counterproposal did not provide 100 percent city-grade coverage of Florence, as required by Section 73.315(a) of the Commission's Rules.

EFFECTIVE DATE: March 3, 1997.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No. 94-78, adopted February 14, 1997, and released February 21, 1997. 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., 2100 M Street NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

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DEPARTMENT OF DEFENSE**48 CFR Part 239**

[DFARS Case 96-D011]

Defense Federal Acquisition Regulation Supplement; Automatic Data Processing Equipment Leasing Costs

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 remove references to an obsolete Federal Acquisition Regulation (FAR) cost principle pertaining to automatic data processing equipment (ADPE) leasing costs, and to remove corresponding contractor documentation and Government oversight requirements.

DATES: Effective date: March 3, 1997.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before May 2, 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. 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-D011 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, (703) 602-0131.

SUPPLEMENTARY INFORMATION:**A. Background**

This interim DFARS rule supplements the interim FAR rule published as Item I of Federal Acquisition Circular 90-44 on December 31, 1996 (61 FR 79287). The FAR rule deleted the cost principle at FAR 31.205-2, Automatic Data Processing Equipment Leasing Costs. The cost principle was incorporated into the FAR when ADPE was an emerging technology, had limited applications, and was a substantial cost element on Government contracts. In the current technological environment, however, where ADPE hardware costs

are no longer such a significant expense and computer systems have become ubiquitous in the workplace, the detailed scrutiny previously required under FAR 31.205-2 is no longer considered necessary.

This interim DFARS rule removes references to FAR 31.205-2, and removes corresponding contractor documentation and Government oversight requirements in Subpart 239.73, Acquisition of Automatic Data Processing Equipment by DoD contractors.

B. Regulatory Flexibility Act

This 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 use simplified acquisition procedures or are awarded on a competitive, fixed-price basis, and do not require application of the FAR or DFARS cost principles. Therefore, an initial regulatory flexibility analysis has not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 96-D011 in correspondence.

C. Paperwork Reduction Act

This rule reduces, by 106,006 hours, the information collection requirements previously approved by the Office of Management and Budget under Clearance Number 0704-0341.

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 the cost principle, Automatic Data Processing Equipment Leasing Costs, was deleted from the FAR on December 31, 1996. It is necessary that a DFARS rule be published expeditiously to remove references to the obsolete cost principle, and to remove corresponding contractor documentation and Government oversight requirements. However, comments received in response to the publication of this interim rule will be considered in formulating the final rule.