

Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

### 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:** 47 U.S.C. 154, 303, 334, and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Wynnewood, Channel 283A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 99-1712 Filed 1-25-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 48 CFR Parts 1516 and 1552

[FRL-6222-5]

#### Acquisition Regulation: Administrative Amendments

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is issuing this final rule to amend the EPA Acquisition Regulation (EPAAR) (48 CFR Chapter 15) to remove obsolete coverage and make other administrative changes based on recent revisions to the Federal Acquisition Regulation (FAR). As authorized by section 22(a) of the Office of Federal Procurement Policy Act, 41 U.S.C. 418b, this rule is being issued without notice and opportunity for public comment because it does not impose a significant cost or administrative impact on contractors or offerors.

**EFFECTIVE DATE:** February 25, 1999.

**FOR FURTHER INFORMATION CONTACT:** Louise Senzel, U.S. EPA, Office of Acquisition Management, (3802R), 401 M Street, SW, Washington, D.C. 20460, Telephone: (202) 564-4367.

**SUPPLEMENTARY INFORMATION:**

#### A. Background

As part of the FAR 15 rewrite, the statutory fee limitations imposed on

cost-plus-fixed fee contracts that had been extended to cost-plus-award fee and cost-plus-incentive fee contracts was eliminated. The current FAR 15 only places limitations on fee for cost-plus fixed fee contracts. Additionally, two references included in the EPAAR 1552.242-70 "Indirect Costs" clause are no longer valid due to revisions in the FAR. This rule provides revised references to parallel FAR changes.

#### B. Executive Order 12866

This rule is not a significant regulatory action for the purposes of E.O. 12866; therefore, no review is required by the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB).

#### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.)

#### D. Regulatory Flexibility Act

The EPA certifies that this rule does not exert a significant economic impact on a substantial number of small entities. The requirements to contractors under the rule impose no reporting, recordkeeping, or compliance costs.

#### E. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and tribal governments, and the private sector. This rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in one year. Any private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

#### F. Executive Order 13045

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be economically significant as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency

must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

#### G. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and creates a mandate upon a State, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

#### H. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of

the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

### I. National Technology Transfer and Advancement Act of 1995

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Pub. L. 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes comments on this aspect of the rulemaking and specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

### J. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and

the Comptroller General of United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

**Authority:** The provisions of this regulation are issued under 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390.

### List of Subjects in 48 CFR Parts 1516 and 1552

Government procurement.

Therefore, 48 CFR Chapter 15 is amended as set forth below:

#### PART 1516—[AMENDED]

1. The authority citation for Parts 1516 and 1552 continues to read as follows:

**Authority:** Sec. 205(c), 63 Stat. 390, as amended.

2. Section 1516.405, paragraph (b) is amended by removing the words "in accordance with FAR 15.903(d)" from the final sentence of the paragraph.

#### PART 1552—[AMENDED]

3. Section 1552.216-75, is revised to read as follows:

##### 1552.216-75 Base fee and award fee proposal.

As prescribed in 1516.405(b), insert the following clause:

##### Base Fee and Award Fee Proposal (FEB 1999)

For the purpose of this solicitation, offerors shall propose a combination of base fee and award fee. Base fee shall not exceed 3% of the estimated cost, excluding fee, and the award fee shall not be less than \_\_\_% of the total estimated cost, excluding fee. The combined percentages of base and award fee shall not exceed \_\_\_% of the total estimated cost, excluding fee.

(End of clause)

##### 1552.242-70 [Amended]

4. Section 1552.242-70 is amended by revising the reference "FAR 42.703(a)" in the first paragraph of paragraph (a) in the clause to read "FAR 42.703-1(a)" and the reference "FAR 15.804-4" in the undesignated paragraph after paragraph (a) in the clause to read "FAR 15.406-2".

Dated: December 14, 1998.

**Betty L. Bailey,**

*Director, Office of Acquisition Management.*  
[FR Doc. 99-1649 Filed 1-25-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 1

[OST Docket No. 1; Amdt. 1-296]

### Organization and Delegation of Powers and Duties; Delegation to the Commandant, United States Coast Guard; Correction

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** This rule makes an editorial correction to the recently published final rule delegating to the Commandant, the United States Coast Guard, the authority pertaining to the enforcement of various conservation statutes. The final rule was published in the **Federal Register** on Wednesday, November 4, 1998 (63 FR 59474) and was effective upon publication.

**EFFECTIVE DATE:** November 4, 1998.

**FOR FURTHER INFORMATION CONTACT:** Blane A. Workie, Office of the General Counsel, C-50, (202) 366-4723, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** The final rule amending 49 CFR Part 1, erroneously amends § 1.46 by adding paragraph (ooo) to reflect the delegation of the Secretary's authority pertaining to the enforcement of various conservation statutes to the Commandant of the Coast Guard. The paragraph should have been designated as paragraph (ppp) rather than paragraph (ooo). This correction is to rectify this mistake.

Issued in Washington, D.C., this 19th day of January, 1999 under authority delegated to me by 49 CFR Part 1, § 1.57 (l).

**Nancy E. McFadden,**  
*General Counsel.*

Accordingly, in final rule, FR Doc. 98-29517, published on November 4, 1998 (63 FR 59474), make the following correction:

#### PART 1—[CORRECTED]

##### § 1.46 [Corrected]

On page 59475, in this first column, in § 1.46, paragraph (ooo) is correctly designated as paragraph (ppp).

[FR Doc. 99-1633 Filed 1-25-99; 8:45 am]

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