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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 96-64; RM-8747]

#### Radio Broadcasting Services; Boulder and Lafayette, CO

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document reallots Chananel 234C from Boulder to Lafayette, Colorado, and modifies the license of Salem Media of Colorado, Inc. for Station KRKS-FM to specify operation on Channel 234C at Lafayette, as requested, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. See 61 FR 15022, April 4, 1996. The allotment of Channel 234C to Lafayette will provide that community with its first local aural transmission facility without depriving Boulder of local transmission service. Coordinates used for Channel 234C at Lafayette, Colorado are 39-40-35 and 105-29-09. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** February 24, 1997.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 96-64, adopted January 3, 1997, and released January 10, 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., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

### 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, as amended.

#### §73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado is amended by removing Channel 234C at Boulder and adding Lafayette, Channel 234C.

Federal Communications Commission.

John A. Karousos,

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

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## DEPARTMENT OF DEFENSE

### 48 CFR Parts 203, 215, and 252

[DFARS Case 96-D310]

#### Defense Federal Acquisition Regulation Supplement; Procurement Integrity

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect amendments to certain statutory procurement integrity restrictions.

**DATES:** Effective date: January 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Michael Pelkey, (703) 602-0131.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Section 4304 of the Clinger-Cohen Act of 1996 (Pub. L. 104-106) amended the procurement integrity provisions of Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) and repealed 10 U.S.C. 2397-2397c,

which addressed post-Federal employment of certain former Department of Defense employees. This final rule removes regulations implementing the repealed statutes and conforms DFARS 203.104 to the FAR revisions published as Item I of Federal Acquisition Circular 90-45 (62 FR 226, January 2, 1997).

A proposed rule with request for public comments was published on September 6, 1996 (61 FR 47100). One comment was received, which recommended no changes to the proposed rule.

##### B. Regulatory Flexibility Act

The Department of Defense certifies that this final rule will not 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 rule only applies to "major defense contractors" (i.e., contractors with DoD contracts exceeding \$10 million per Government fiscal year), and affects only the ability of such contractors to provide compensation to certain former DoD employees.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act applies because the rule eliminates the information collection and reporting requirements of DFARS 203.170-2 and the associated clause at 252.203-7000. The requirements that are eliminated were approved by the Office of Management and Budget (OMB) under OMB Clearance number 0704-0277.

List of Subjects in 48 CFR Parts 203, 215, and 252

##### Government Procurement.

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

Therefore, 48 CFR Parts 203, 215, and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 203, 215, and 252 continues to read as follows:

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

**PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

**203.104–4 [Removed]**

2. Section 203.104–4 is removed.

**203.104–5 [Amended]**

3. Section 203.104–5 is amended by redesignating paragraph (e)(4) as (d)(4); and revising, in newly redesignated paragraph (d)(4), the reference “FAR 3.104–5(e)(4)” to read “FAR 3.104–5(d)(4)”.

**203.170 through 203.170–4 [Removed]**

4. Sections 203.170 through 203.170–4 are removed.

**PART 215—CONTRACTING BY NEGOTIATION**

5. Section 215.608 is amended by revising the last sentence of paragraph (b) to read as follows:

**215.608 Proposal evaluation.**

\* \* \* \* \*

(b) \* \* \* Determinations based on violations or possible violations of Section 27 of the OFPP Act shall be made as specified in FAR 3.104.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

**252.203–7000 [Removed and reserved]**

6. Section 252.203–7000 is removed and reserved.

[FR Doc. 97–1037 Filed 1–16–97; 8:45 am]

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**48 CFR Parts 215, 219, 225, 226, 227, 233, and 252**

[DFARS Case 96–D306]

**Defense Federal Acquisition Regulation Supplement; Elimination of Certifications**

AGENCY: Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove particular certification requirements for contractors and offerors that are not specifically imposed by statute.

**EFFECTIVE DATE:** January 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Mutty, PDUSD (A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062, Telephone (703) 602–0131. Telefax (703) 602–0350. Please cite DFARS Case 96–D306 in all correspondence related to this case.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

This final rule amends DFARS Parts 215, 219, 225, 226, 227, 233, and 252 to remove particular certification requirements for contractors and offerors. The rule implements Section 4301(b) of the Clinger-Cohen Act of 1996 (Pub. L. 104–106). Section 4301(b) requires the head of each executive agency, that has agency procurement regulations containing one or more certification requirements for contractors and offerors that are not specifically imposed by statute, to issue for public comment a proposal to remove from the agency regulations those certification requirements that are not specifically imposed by statute. The head of the agency can omit such a certification from its proposal only if: (1) the senior procurement executive for the executive agency provides the head of the executive agency with a written justification for the requirement and a determination that there is no less burdensome means for administering and enforcing the particular regulation that contains the certification requirement; and (2) the head of the executive agency approves in writing the retention of such certification requirement. A proposed rule was

published in the Federal Register on September 6, 1996 (61 FR 47101). Eighteen comments were received from four respondents. All comments were considered in the development of the final rule.

In response to the public comments, DFARS 215.873(d) was revised to replace “furnishes any certification” with “identifies any such data” to avoid any potential misinterpretation that a certification not specifically required by statute or regulation is permitted. Additionally, the language at DFARS 252.236–7006(c) was revised to more clearly define the requirement for offerors to indicate that proposed items, subject to cost limitations, include an appropriate apportionment of all costs, direct and indirect, overhead, and profit.

Several certifications for contractors and offerors associated with Foreign Contracting had been proposed for elimination. However, upon consideration of public comments received in response to the proposed rule, these certifications are being proposed for retention, because the self-policing discipline of a certification requirement is important to enforcing a national policy grounded in vital economic and security interests. The Government believes that elimination of these certification requirements would have created a need for offerors to submit more detailed information regarding the origin of offered products. Therefore, the certification is viewed as a less burdensome alternative. Interested parties are invited to submit comments on the retention of these certification requirements. Please cite Holding File 96–708–02, Regulatory Reform—Certifications DFARS, in correspondence. Comments should be limited to the retention of the following certifications for contractors and offerors that were proposed for elimination but have been retained as a result of the analysis of public comments:

DFARS Cite	Clause/provision No.	Title
225.109 .....	252.225–7000	Buy American Act—Balance of Payments Program Certificate.
225.408 .....	252.225–7006	Buy American Act—Trade Agreements—Balance of Payments Program Certificate.
225.408 .....	252.225–7035	Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payments Program Certificate.

**B. Regulatory Flexibility Act**

This final rule is expected to have a significant beneficial impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq.,

because it reduces the number of certifications that offerors and contractors must provide to the Government. A Final Regulatory Flexibility Analysis (FRFA) has been prepared and may be obtained from the

address specified herein. A copy of the FRFA has been submitted to the Chief Council for Advocacy of the Small Business Administration. The analysis is summarized as follows: