

number of stations in three years to cover 30 percent of the population or land area, and in five years to cover 50 percent of the population or land area (see 47 CFR 95.833).

2. Maritime Communications Corporation, an IVDS licensee in the Dallas, TX MSA, recently filed a request for waiver of the rule requiring IVDS licensees to use type accepted equipment or alternatively, a waiver of the three year construction requirement for its IVDS system. Bay Interactive Ventures Ltd., and IVDS licensee in the Los Angeles, CA MSA, also filed a request for waiver of the three year construction requirement for its IVDS system. Both licensees cite the pendency of a petition for rule making, RM-8951, the lack of commercially available equipment and the lack of service applications they could deploy over their systems as reasons that we should waive the three year construction benchmark.

3. Interested parties may file comments concerning these waiver requests on or before February 25, 1997. Reply comments are due on or before March 3, 1997. Comments and reply comments should be sent or delivered to: Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, Att'n Private Wireless Division, Wireless Telecommunications Bureau. A copy should also be sent or delivered to: Private Wireless Division, Wireless Telecommunications Bureau, Room 8010, Stop Code 2000-F, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554. Finally, a copy should be sent or delivered to the Commission's duplicating contractor: International Transcription Services, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037 (telephone number (202) 857-3800). Copies of the filings may be obtained from ITS.

4. A copy is also available for public inspection during regular business hours in the Private Wireless Division, Wireless Telecommunications Bureau, Room 8010, 2025 M Street, N.W., Washington, D.C. 20554.

List of Subjects in 47 CFR 95

#### Radio.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

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## DEPARTMENT OF DEFENSE

### 48 CFR Part 225

[DFARS Case 97-D300]

#### Defense Federal Acquisition Regulation Supplement; Ball and Roller Bearings; Waiver

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

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement 10 U.S.C. 2534(d)(6), which provides that the Secretary of Defense may waive the domestic source restrictions of 10 U.S.C. 2534(a) for a procurement that is for an amount less than the simplified acquisition threshold, when simplified acquisition procedures are being used.

**DATE:** Comments on the proposed rule should be submitted in writing to the address shown below on or before April 21, 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 97-D300 in all correspondence related to this issue.

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

#### SUPPLEMENTARY INFORMATION:

##### A. Background

10 U.S.C. 2534(a) limits the procurement of certain items to domestic sources; 10 U.S.C. 2534(g)(1) provides that this limitation does not apply to a contract or subcontract for an amount that does not exceed the simplified acquisition threshold.

10 U.S.C. 2534(d)(6) provides that the Secretary of Defense may waive the limitation in 10 U.S.C. 2534(a) for a procurement that is for an amount less than the simplified acquisition threshold, when simplified acquisition procedures are being used.

This DFARS rule proposes to implement the waiver authority of 10 U.S.C. 2534(d)(6) with regard to the acquisition of ball and roller bearings, because 10 U.S.C. 2534(g)(2), added by Section 806(d) of the National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104-106), makes the broader exception at 10 U.S.C. 2534(g)(1) inapplicable to ball and roller bearings.

##### B. Regulatory Flexibility Act

The proposed rule may 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.* Therefore, an Initial Regulatory Flexibility Analysis has been prepared and is summarized as follows:

The proposed rule is being considered by the agency to implement 10 U.S.C. 2534(d)(6) with regard to the acquisition of ball and roller bearings. 10 U.S.C. 2534(d)(6) provides that the Secretary of Defense may waive the domestic source restrictions of 10 U.S.C. 2534(a) for a procurement that is for an amount less than the simplified acquisition threshold, when simplified acquisition procedures are being used. Because of other statutory provisions that pertain to the acquisition of ball and roller bearings, the waiver authority in this proposed rule may be used only if (1) ball and roller bearings or bearing components are the end items being purchased, and (2) the ball and roller bearings or bearing components are commercial items, or no fiscal year 1996 or 1997 funds are being used. It is estimated that 11 small businesses could be affected by this rule. The rule imposes no new reporting, recordkeeping, or compliance requirements for contractors or offerors; and does not duplicate, overlap, or conflict with any other Federal rules. There are no practical alternatives that will fully implement the provisions of 10 U.S.C. 2534(d)(6).

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 subpart also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 97-D300 in correspondence.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule contains no information collection requirements that require approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

## List of Subjects in 48 CFR Part 225

Government procurement.

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

Therefore, 48 CFR Part 225 is  
amended as follows:

1. The authority citation for 48 CFR  
Part 225 continues to read as follows:

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

**PART 225—FOREIGN ACQUISITION**

2. Section 225.7019-3 is amended by  
redesignating paragraphs (a)(2) and  
(a)(3) as paragraphs (a)(3) and (a)(4),  
respectively, and by adding a new  
paragraph (a)(2) to read as follows:

**225.7019-3 Waiver.**

(a) \* \* \*

(2) If the acquisition is for an amount  
less than the simplified acquisition  
threshold and simplified acquisition  
procedures are being used.

\* \* \* \* \*

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