

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, 336.

#### **§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 298A at LaFayette.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 98-2635 Filed 2-3-98; 8:45 am]

BILLING CODE 6712-01-P

#### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 73**

[MM Docket No. 89-585; RM-7035, RM-7320]

**Radio Broadcasting Services; Eatonton and Sandy Springs, GA; and Anniston and Lineville, AL**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; Application for Review.

**SUMMARY:** This document dismisses an Application for Review filed by WNNX License Investment Co. directed to an Order dismissing an earlier Application for Review in this proceeding. 62 FR 38245 (July 17, 1997). With this action, the proceeding is terminated.

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

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau, (202) 418-2177.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Order, MM Docket No. 89-585, adopted January 14, 1998, and released January 23, 1998. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3805, 1231 M Street, NW, Washington, DC 20036.

#### **List of Subjects in 47 CFR Part 73**

Radio broadcasting.

1. The authority citation for Part 73 continues to read as follows:

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

Federal Communications Commission.

**Douglas W. Webbink,**

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

[FR Doc. 98-2634 Filed 2-3-98; 8:45 am]

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#### **DEPARTMENT OF DEFENSE**

#### **48 CFR Parts 225 and 252**

[DFARS Case 97-D321]

#### **Defense Federal Acquisition Regulation Supplement; Waiver of Domestic Source Restrictions**

**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 811 of the National Defense Authorization Act for Fiscal Year 1998. Section 811 limits the authority for waiver of the domestic source restrictions of 10 U.S.C. 2534(a).

**DATES:** *Effective date:* February 4, 1998.

*Comment date:* Comments on the interim rule should be submitted in writing to the address shown below on or before April 6, 1998, 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.

E-mail comments submitted over the Internet should be addressed to: dfars@acq.osd.mil

Please cite DFARS Case 97-D321 in all correspondence related to this issue. E-mail comments should cite DFARS Case 97-D321 in the subject line.

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

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

10 U.S.C. 2534(a) contains domestic source restrictions applicable to procurement of the following items: buses, chemical weapons antidote, components for naval vessels (including air circuit breakers, anchor and mooring chain, and totally enclosed lifeboats), and ball and roller bearings. Section 810 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) added authority at 10 U.S.C.

2534(d) to permit DoD to waive the restrictions of 10 U.S.C. 2534(a), if application of the restrictions would impede the reciprocal procurement of defense items under a memorandum of understanding with a foreign country. On April 7, 1997, the Under Secretary of Defense (Acquisition and Technology) exercised this authority by waiving the restrictions of 10 U.S.C. 2534(a) for items procured from qualifying countries, i.e., the countries listed in DFARS 225.872-1. The provisions of the waiver were incorporated in an interim DFARS rule published in the **Federal Register** on June 24, 1997 (62 FR 34114) (DAC 91-12, Item XVIII, DFARS Case 96-319).

Section 811 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) amended 10 U.S.C. 2534 to provide that DoD may exercise the waiver authority of 10 U.S.C. 2534(d) only if the waiver is made for a particular item and for a particular foreign country. Therefore, the blanket waiver signed by the Under Secretary of Defense (Acquisition and Technology) on April 1, 1997, is no longer applicable. This interim rule amends DFARS Parts 225 and 252 to implement Section 811 of Public Law 105-85. DFARS Case 96-D319 has been closed into this new DFARS Case 97-D321.

##### **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 there are no known small business manufacturers of buses, air circuit breakers, or the restricted chemical weapons antidote; the acquisition of anchor and mooring chain, totally enclosed lifeboat survival systems, and noncommercial ball and roller bearings is presently restricted to domestic sources by defense appropriations acts; and the restrictions of 10 U.S.C. 2534(a) do not apply to purchases of commercial items incorporating ball or roller bearings. An initial regulatory flexibility analysis has therefore not been prepared. 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 97-D321 in correspondence.

##### **C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply, because this interim rule does not impose any information

collection requirements that require the 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 interim rule implements Section 811 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85). Section 811 limits the waiver authority provided in 10 U.S.C. 2534(d). Therefore, the waiver of the restrictions of 10 U.S.C. 2534(a), that was signed by the Under Secretary of Defense (Acquisition and Technology) on April 7, 1997, under the prior authority of 10 U.S.C. 2534(d), is no longer applicable. Section 811 was effective upon enactment on November 18, 1997. 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 225 and 252**

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

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

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

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

#### **PART 225—FOREIGN ACQUISITION**

##### **225.872-1 [Amended]**

2. Section 225.872-1 is amended by removing paragraph (d).

3. Section 225.7005 is revised to read as follows:

##### **225.7005 Waiver of certain restrictions.**

Where provided for elsewhere in this subpart, the restrictions on certain foreign purchases under 10 U.S.C. 2534(a) may be waived as follows:

(a)(1) The Under Secretary of Defense (Acquisition and Technology), without power of delegation, may waive the restriction for a particular item for a particular foreign country upon determination that—

(i) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than

the United States discriminates against defense items produced in that country; or

(ii) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, or would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items under 225.872, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(2) A notice of determination to exercise the waiver authority must be published in the **Federal Register** and submitted to the congressional defense committees at least 15 days before the effective date of the waiver.

(3) Such waiver shall be in effect for a period not greater than 1 year.

(b) The head of the contracting activity may waive the restriction on a case-by-case basis upon execution of a determination and findings that any of the following applies:

(1) The restriction would cause unreasonable delays.

(2) Satisfactory quality items manufactured in the United States or Canada are not available.

(3) Application of the restriction would result in the existence of only one source for the item in the United States or Canada.

(4) Application of the restriction is not in the national security interests of the United States.

(5) Application of the restriction would adversely affect a U.S. company.

(c) The restriction is waived when it would cause unreasonable costs. The cost of the item of U.S. or Canadian origin is unreasonable if it exceeds 150 percent of the offered price, inclusive of duty, of items which are not of U.S. or Canadian origin.

4. Section 225.7007-1 is revised to read as follows:

##### **225.7007-1 Restriction.**

In accordance with 10 U.S.C. 2534, do not acquire a multipassenger motor vehicle (bus) unless it is manufactured in the United States or Canada.

5. Section 225.7007-3 is revised to read as follows:

##### **225.7007-3 Exceptions.**

This restriction does not apply in any of the following circumstances:

(a) Buses manufactured outside the United States and Canada are needed for temporary use because buses manufactured in the United States or Canada are not available to satisfy

requirements that cannot be postponed. Such use may not, however, exceed the lead time required for acquisition and delivery of buses manufactured in the United States or Canada.

(b) The requirement for buses is temporary in nature. For example, to meet a special, nonrecurring requirement or a sporadic and infrequent recurring requirement, buses manufactured outside the United States and Canada may be used for temporary periods of time. Such use may not, however, exceed the period of time needed to meet the special requirement.

(c) Buses manufactured outside the United States and Canada are available at no cost to the U.S. Government.

(d) The acquisition is for an amount that does not exceed the simplified acquisition threshold.

6. Section 225.7007-4 is revised to read as follows:

##### **225.7007-4 Waiver.**

The waiver criteria at 225.7005 apply to this restriction.

7. Section 225.7010-1 is amended by revising the introductory text to read as follows:

##### **225.7010-1 Restriction.**

In accordance with 10 U.S.C. 2534 and defense industrial mobilization requirements (see subpart 208.72), do not acquire chemical weapons antidote contained in automatic injectors, or the components for such injectors, unless the chemical weapons antidote or component is manufactured in the United States or Canada by a company that—

\* \* \* \* \*

8. Section 225.7010-2 is revised to read as follows:

##### **225.7010-2 Exception.**

The restriction of 225.7010-1 does not apply if—the acquisition is for an amount that does not exceed the simplified acquisition threshold.

9. Section 227.7010-3 is revised to read as follows:

##### **225.7010-3 Waiver.**

The waiver criteria at 225.7005 apply to this restriction.

10. Section 225.7016-1 is revised to read as follows:

##### **225.7016-1 Restriction.**

In accordance with 10 U.S.C. 2534, do not acquire air circuit breakers for naval vessels unless they are manufactured in the United States or Canada.

11. Section 225.7016-2 is amended in paragraph (b) by revising the first sentence to read as follows:

**225.7016-2 Exceptions.**

\* \* \* \* \*

(b) Spare or repair parts are needed to support air circuit breakers manufactured outside the United States and Canada. \* \* \*

12. Section 225.7016-3 is revised to read as follows:

**225.7016-3 Waiver.**

The waiver criteria at 225.7005 apply to this restriction.

13. Section 225.7019-1 is amended by revising paragraph (a) to read as follows:

**225.7019-1 Restrictions.**

(a) In accordance with 10 U.S.C. 2534, through fiscal year 2000, do not acquire ball and roller bearings or bearing components that are not manufactured in the United States or Canada.

\* \* \* \* \*

14. Section 225.7019-3 is amended by removing paragraphs (a)(1)(iii) and (iv); redesignating paragraphs (a)(1)(v), (vi), and (vii) as paragraphs (a)(1)(iii), (iv), and (v), respectively; redesignating paragraph (b) as paragraph (c), and adding a new paragraph (b) to read as follows:

**225.7019-3 Waiver.**

\* \* \* \* \*

(b)(1) The Under Secretary of Defense (Acquisition and Technology), without power of delegation, may waive the restriction in 225.7019-1(a) for a particular foreign country upon determination that—

(i) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country; or

(ii) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, or would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items under 225.872, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(2) A notice of the determination to exercise the waiver authority must be published in the **Federal Register** and submitted to the congressional defense committees at least 15 days before the effective date of the waiver.

(3) Such waiver shall be in effect for a period not greater than 1 year.

\* \* \* \* \*

15. Section 225.7022-1 is amended in paragraph (b) by revising the first sentence to read as follows:

**225.7022-1 Restrictions.**

\* \* \* \* \*

(b) In accordance with 10 U.S.C. 2534(a)(3)(B), do not purchase a totally enclosed lifeboat that is a component of a naval vessel, unless it is manufactured in the United States or Canada. \* \* \*

16. Section 225.7022-2 is amended by revising paragraph (b) to read as follows:

**225.7022-2 Exceptions.**

\* \* \* \* \*

(b) Spare or repair parts are needed to support totally enclosed lifeboats manufactured outside the United States and Canada.

17. Section 225.7022-3 is revised to read as follows:

**225.7022-3 Waiver.**

The waiver criteria at 225.7005 apply only to the restriction of 225.7022-1(b).

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

18. Section 252.225-7016 is amended by revising the clause date and paragraph (c)(1) to read as follows:

### **252.225-7016 Restriction on Acquisition of Ball and Roller Bearings.**

\* \* \* \* \*

#### **RESTRICTION ON ACQUISITION OF BALL AND ROLLER BEARINGS (FEB 1998)**

\* \* \* \* \*

(c)(1) The restriction in paragraph (b) of this clause does not apply to the extent that the end items or components containing ball or roller bearings are commercial items.

\* \* \* \* \*

19. Section 252.225-7029 is revised to read as follows:

### **252.225-7029 Preference for United States or Canadian Air Circuit Breakers.**

As prescribed in 225.7016-4, use the following clause:

#### **PREFERENCE FOR UNITED STATES OR CANADIAN AIR CIRCUIT BREAKERS (FEB 1998)**

(a) Unless otherwise specified in its offer, the Contractor agrees that air circuit breakers for naval vessels provided under this contract shall be manufactured in the United States or Canada.

(b) Unless an exception applies or a waiver is granted under 225.7005 (a) or (b) of the Defense Federal Acquisition Regulation Supplement, preference will be given to air circuit breakers manufactured in the United States or Canada by adding 50 percent for evaluation purposes to the offered price of all other air circuit breakers.

[End of clause]

[FR Doc. 98-2649 Filed 2-3-98; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

#### **49 CFR Part 572**

[Docket No. NHTSA-98-3296]

RIN 2127-AF41

### **Anthropomorphic Test Dummy; Occupant Crash Protection**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** In December 1996, NHTSA published a rule amending the specifications for the Hybrid III test dummy. The dummy is specified by the agency for use in compliance testing under its occupant protection standard. The amendments made minor modifications in the dummy's femurs and ankles to improve biofidelity. In response to petitions for reconsideration, this document makes minor technical amendments and corrections to that rule.

**DATES:** *Effective Date:* The amendments are effective March 6, 1998.

*Petitions:* Petitions for reconsideration must be received by March 23, 1998.

**ADDRESSES:** Petitions for reconsideration should refer to the docket number of this rule and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** For nonlegal issues: Stan Backaitis, Office of Crashworthiness Standards (telephone: 202-366-4912). For legal issues: Edward Glancy, Office of the Chief Counsel (202-366-2992). Both can be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C. 20590.

**SUPPLEMENTARY INFORMATION:** On December 26, 1996, NHTSA published in the **Federal Register** (61 FR 67953) a rule amending the specifications for the Hybrid III test dummy. The dummy is specified by the agency for use in compliance testing under Standard No. 208, *Occupant Crash Protection*. The amendments made minor modifications in the dummy's femurs and ankles to improve biofidelity. The agency