

ACTION: Final rule.

SUMMARY: The Commission, at the request of West Wind Broadcasting, allots Channel 263A at Ridgeley, West Virginia, as the community's first local aural transmission service. See 64 FR 8786, February 23, 1998. Channel 263A can be allotted to Ridgeley in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.8 kilometers (4.8 miles) northeast to avoid a short-spacing to the licensed and construction permit site of Station WDNZ(FM), Channel 261A, Romney, West Virginia, and to the licensed site of Station WOMP-FM, Channel 263B, Bellaire, Ohio. The coordinates for Channel 263A at Ridgeley are 39-42-08 and 78-43-49 West Longitude. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 7, 1999. The window period for filing applications for Channel 263A at Ridgeley, West Virginia, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-54, adopted July 14, 1999, and released July 23, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW, 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, 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, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by adding Ridgeley, Channel 263A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-19781 Filed 7-30-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 99-1424; MM Docket No.99-53; RM-9456]

Radio Broadcasting Services; Clarendon, PA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of West Wind Broadcasting, allots Channel 274A at Clarendon, Pennsylvania, as the community's second local FM transmission service. See 64 FR 8786, February 23, 1998. Channel 274A can be allotted to Clarendon in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.1 kilometers (6.3 miles) south to avoid a short-spacing to the licensed site of Station WRLP(FM), Channel 276A, Russell, Pennsylvania. The coordinates for Channel 274A at Clarendon are 41-41-30 North Latitude and 79-03-43 West Longitude. Since Clarendon is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 7, 1999. The window period for filing applications for Channel 274A at Clarendon, Pennsylvania, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-53, adopted July 14, 1999, and released July 23, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW, 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, 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, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Pennsylvania, is amended by adding Channel 274A at Clarendon.

Federal Communications Commission.

John A. Karousos, Chief,

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

[FR Doc. 99-19782 Filed 7-30-99; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE**Defense Logistics Agency****48 CFR Part 5416****DLA Acquisition Directive; Types of Contracts**

AGENCY: Defense Logistics Agency, DoD.

ACTION: Final rule.

SUMMARY: This rule adds a new part to the Defense Logistics Acquisition Directive (DLAD) affecting regulations on the use of solicitation provisions and contract clauses for Economic Price Adjustments (EPA). The coverage expands the use of EPA based on market price references. It also expands the use of EPA based on indexes, to encompass indexes for products or services that are identical or similar to the end products to be provided under the contract. It authorizes the development and use, subject to established agency review and approval procedures, of clauses using EPA references as described above. The coverage ensures EPA references that more closely follow market prices, are in conformance with commercial practice, and reduce price risk for both the government and the contractor.

DATES: Effective August 2, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Helen Bailey, Procurement Analyst, Defense Logistics Agency, DLSC-PPP, at (703) 767-1374.

SUPPLEMENTARY INFORMATION:

A. Background

The Defense Energy Support Center (DESC), a major contracting activity of DLA, has historically utilized a method of price adjustment in the bulk petroleum area using price indexes for the same or similar end products and using market price assessments for products published in industry trade journals.

None of the three EPA types currently encompassed by the FAR are appropriate for many of the competitive procurements undertaken by DESC and other DLA contracting offices. Currently, FAR 16.203 recognizes EPA references based on established market or catalog prices of the individual contractor only. The new DLAD coverage expands this to include industry-wide and geographically specific market price assessments, and authorizes the development and use of clauses on that basis. FAR 16.203 also recognizes EPA references based only on indexes for labor or material costs or indexes of such costs. The DLAD coverage expands this to include indexes for the same or similar supplies, services, or end items and authorizes the development and uses of clauses on that basis.

The uses of an EPA reference based on an individual contractor's established price or cost of materials is impractical for various competitive procurements. Unique EPA references for each offeror engender relative price variations during the delivery period, making it impossible to determine the most favorable offer at time of award. This creates a significant price risk for the Government in periods where the margins are shrinking and for the contractors in periods where the margins are expanding. Such fluctuations can be significant, for example, in petroleum markets. A reference based on the same or similar products as provided under the contract, results in a common EPA reference for competing offerors and minimizes the price risk for both the Government and the contractor.

A proposed rule with request for comments was published in the **Federal Register**, (60 FR 10826, Feb. 28, 1995.) One respondent submitted comments on the proposed rule. The respondent's comments were considered in the development of the final rule. On October 5, 1995, the Director, Defense Procurement, approved a permanent class deviation for DLA to deviate from the requirements of FAR 16.203-1 and 16.203-4(a) when using fixed price contracts with economic price adjustments. Under this deviation, DLA

was authorized to include conforming language in the DLA supplement.

The final rule is the same as the proposed rule with one exception. The second sentence in Subpart 5416.203-4, "Contract clauses" of the proposed rule, which states that "established prices in such clauses need not be verifiable using the criteria in 48 CFR (FAR) 15.804-3" was removed in the final rule. The criteria referred to were deleted from the Truth in Negotiations Act (TINA) (10 U.S.C. 2306a.) when the statute was recently revised. Accordingly, the revised and renumbered FAR Part 15 no longer contains these criteria. Therefore, the language has been removed from the final rule as it is no longer applicable.

Regulatory Flexibility Act

The final rule does not have 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. An initial regulatory flexibility analysis was not performed. The final rule does not represent a change for small entities doing business with DLA. Comments were requested concerning the effect of the proposed rule on small entities in accordance with section 612 of the Act. No comments were received.

B. Paperwork Reduction Act

This rule does not impose any new reporting or record keeping requirements that require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 5416

Government procurement.

For reasons set forth in the preamble, the Defense Logistics Agency amends 48 CFR Chapter 54, by adding part 5416 to read as follows:

PART 5416—TYPES OF CONTRACTS

Subpart 5416.2—Fixed Price Contracts

- 5416.203 Fixed-Price Contracts with Economic Price Adjustment
- 5416.203-1 Description
- 5416.203-3 Limitations
- 5416.203-4 Contract Clauses

Authority: Fixed Price Contracts

4516.203 Fixed Price Contracts with Economic Price Adjustment

4516.203-1 Description.

(a)(S-90) Adjustments based on established prices. Established prices may reflect industry-wide and/or geographically based market price fluctuations for commodity groups, specific supplies or services, or contract end items.

(c)(S-90) Adjustments based on cost indexes of labor or materials. These price adjustments may also be based on increases or decreases in indexes for commodity groups, specific supplies or services, or contract end items.

4516.203-3 Limitations.

(S-90) A fixed price contract with economic price adjustment may also be used to provide for price adjustments authorized in this section.

4516.203-4 Contract clauses.

(S-90) When the contracting officer determines that an existing EPA clause is not appropriate, the contracting officer may develop and use another EPA clause in accordance with 5416.203-1 (a)(S-90) or (c)(S-90). Established prices and cost indexes need not reflect changes in the costs or established prices of a specific contractor. The established price or cost index may be derived from sales prices in the marketplace, quotes, or assessments as reported or made available in a consistent manner in a publication, electronic database, or other form, by an independent trade association, Governmental body, or other third party independent of the contractor. More than one established price or cost index may be combined in a formula for economic price adjustment purposes in the absence of an appropriate single price or cost index.

Dated: July 23, 1999.

William J. Kenny,
Executive Director, Procurement Management.

[FR Doc. 99-19630 Filed 7-30-99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AF70

Endangered and Threatened Wildlife and Plants; Listing of Nine Evolutionarily Significant Units of Chinook Salmon, Chum Salmon, Sockeye Salmon, and Steelhead

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) is adding several Evolutionarily Significant Units (ESUs) of chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*Oncorhynchus keta*), sockeye salmon (*Oncorhynchus nerka*), and steelhead