

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region VI and the Texas Natural Resource Conservation Commission (TNRCC), signed by the EPA Regional Administrator on July 24, 1997, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) Statement of Legal Authority. "Attorney General's Statement for Final Authorization", signed by the Attorney General of Texas on May 22, 1984 and revisions, supplements and addenda to that Statement dated November 21, 1986, July 21, 1988, December 4, 1989, April 11, 1990, July 31, 1991, February 25, 1992, November 30, 1992, March 8, 1993, January 7, 1994, August 9, 1996, October 16, 1996, as amended February 7, 1997, and March 11, 1997, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) Program Description. The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

3. Appendix A to part 272, State Requirements, is amended by revising the listing for "Texas" to read as follows:

**Appendix A to Part 272—State Requirements**

\* \* \* \* \*

**Texas**

The statutory provisions include: Texas Health and Safety Code (THSC) Annotated, (Vernon 1992), effective September 1, 1991: Chapter 361, The Texas Solid Waste Disposal Act, sections 361.003 (introductory paragraph), 361.003(1), 361.082(a), 361.082(f), 361.086, 361.087, 361.093, 361.095(a), 361.099(b), and 361.110; Chapter 371, The Texas Oil Collection, Management, and Recycling Act, section 371.041 (a).

Texas Health and Safety Code (THSC) Annotated, (Vernon 1997 Supplement), effective September 1, 1996: Chapter 361, The Texas Solid Waste Disposal Act, sections 361.003 except (3), (4), (19), (27), (35) and (39), 361.066(a), and 361.094; Chapter 371, The Texas Oil Collection, Management, and Recycling Act, sections 371.003, 371.024(b), and 371.026(d).

Copies of the Texas statutes that are incorporated by reference are available from West Publishing Company, 610 Opperman Drive, P. O. Box 64526, St. Paul, Minnesota 55164-0526.

The regulatory provisions include: Texas Administrative Code (TAC), Title 30, Environmental Quality, 1994, as amended,

effective through January 1, 1994: Chapter 305, section 305.50(4); Chapter 335, sections 335.6(d) (except last sentence), 335.6(e), 335.9(b), 335.10(a) (introductory paragraph), 335.10(a)(1), 335.10(b)(5)&(8), 335.13(c)&(d), 335.13(g), 335.15 (introductory paragraph), 335.23(2), 335.24(e), 335.71, 335.214(a).

Texas Administrative Code (TAC), Title 30, Environmental Quality, 1997, as amended, effective through January 1, 1997: Chapter 20, section 20.15; Chapter 281, section 281.3(c); Chapter 305, 305.1(a), 305.2 (except the definitions for "by-pass," "Class I sludge management facility," "component," "continuous discharge," "CWA," "daily average concentration," "daily average flow," "direct discharge," "discharge monitoring report," "effluent limitation," "Environmental Protection Agency," "facility mailing list," "functionally equivalent component," "indirect discharger," "injection well permit," "National Pollution Discharge Elimination System," "new discharger," "new source," "outfall," "primary industry category," "process wastewater," "publicly owned treatment works," "recommencing discharger," "regional administrator," "schedule of compliance," "severe property damage," "sewage sludge," "Texas pollution discharge elimination system," "toxic pollutant," "treatment works treating domestic sewage," "variance," and "wetlands"), 305.29(a)&(d), 305.41, 305.42, 305.43(b), 305.44, 305.45, 305.47, 305.50 (introductory paragraph), 305.50(1), 305.50(2) (except the paragraph beginning "Also to be submitted are listings \* \* \* to the end of the subsection), 305.50(3), 305.50(5)-(8), 305.50(13)&(14), 305.51, 305.61, 305.62(a) (except the phrase "§ 305.70 of this title \* \* \* Solid Waste Class I Modifications" in the first sentence and the fifth sentence "If the permittee requests a modification of a municipal solid waste permit \* \* \* Solid Waste Class I Modifications."), 305.62(b)-(h), 305.63 (introductory paragraph), 305.63(1)&(2), 305.63(3) (except the last sentence), 305.63(4)-(6), 305.64(a), 305.64(b) (except 305.64(b)(4)&(5)), 305.64(c), 305.64(e), 305.64(g), 305.66(a) (except 305.66(a)(7)&(8)), 305.67, 305.69 (except 305.69(i) A.8-A.10), 305.121, 305.122(a)-(c), 305.124, 305.125 (except 305.125(1), (3), and (20)), 305.127 (introductory paragraph), 305.127(1)(B)(iii), 305.127(1)(E)&(F), 305.127(2)&(3), 305.127(4)(B), 305.127(5)(C), 305.128, 305.141 through 305.145, 305.146 (introductory paragraph), 305.146(1), 305.150, 305.171 through 305.174, 305.181 through 305.184, 305.191 through 305.194, 305.401(c), 305.571, 305.572 (except the date "September 5, 1991" in the (introductory paragraph)), 305.573; Chapter 324, sections, 324.1 through 324.4, 324.6, 324.7, 324.11 through 324.16, 324.21; Chapter 335, sections 335.1 (introductory paragraph), 335.1 (except the definitions for "activities associated with the exploration, development, and protection of oil or gas, or geothermal resources," "class 1 wastes," "class 2 wastes," "class 3 wastes," "commercial hazardous waste facility," "contaminant," "contaminated medium/media," "control," "decontaminate," "essentially insoluble," "hazardous industrial waste," "hazardous substance,"

"industrial solid waste," "Petroleum substance," "remediation," "remove," "shipment," "spill," and "treatment"), 335.2(a), 335.2(c)-(g), 335.2(i)&(j), 335.4, 335.5, 335.6(a)-(c), 335.6(f)-(j), 335.7, 335.8(a)(3)&(4), 335.9 (except 335.9(b)), 335.10(a)(3) (except the phrase "unless the generator is identified in paragraph (2) of this section"), 335.10(a)(4), 335.10(a)(6), 335.10(b) (except 335.10(b)(5)&(8)), 335.10(c) (except the phrase "the United States customs official,"), 335.10(d)-(f), 335.11 (except 335.11(d)), 335.12 (except 335.12(a)(5)), 335.13(a), 335.13(e)&(f), 335.14, 335.15(1), 335.17, 335.18, 335.19, 335.20 through 335.22, 335.23 (except 335.23(2)), 335.24(a)-(d), 335.24(f), 335.29, 335.30, 335.31, 335.41(a)-(h), 335.43 through 335.45, 335.47 (except the second sentence in 335.47(c)(3)), 335.61(a)-(e), 335.63 through 335.68, 335.69(a)-(h), 335.70, 335.73, 335.74, 335.76, 335.77, 335.78 (except 335.78(d)(2)), 335.91 through 335.94, 335.111, 335.112 (except 335.112(a)(17)), 335.113, 335.114(a), 335.115 through 335.123, 335.124 (except second sentence in 335.124(e)), 335.125 through 335.127, 335.151 through 335.153, 335.154(a), 335.155 through 335.178, 335.201(a) (except 335.201(a)(3)), 335.201(c), 335.202 (except the definitions for "active geologic processes," "area subject to active shoreline erosion," "areas of direct drainage," "commercial hazardous waste management facility," "critical habitat of an endangered species," "erosion," "public water system," and "residence"), 335.203, 335.204(a) (introductory paragraph), 335.204(a)(1)-(5), 335.204(b)(1)-(6), 335.204(c)(1)-(5), 335.204(d)(1)-(5), 335.204(e) (introductory paragraph), 335.204(e)(1) (introductory paragraph) (except the phrase "Except as \* \* \* (B) of this paragraph," and the word "event" at the end of the paragraph), 335.204(e)(2)-(7), 335.204(f), 335.205(a)&(b), 335.205(i), 335.211 through 335.213, 335.214(b), 335.221 through 335.226, 335.241, 335.251, 335.361 through 335.367, 335.431, and 335.504.

Copies of the Texas regulations that are incorporated by reference are available from West Publishing Company, 610 Opperman Drive, P. O. Box 64526, St. Paul, Minnesota 55164-0526.

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 99-1706; MM Docket No. 99-98; RM-9483]

**Radio Broadcasting Services; Judsonia, AR**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 237A to Judsonia, Arkansas, as that

community's first local aural transmission service in response to a petition for rule making filed on behalf of White County Broadcasters. See 64 FR 17138, April 8, 1999. Coordinates used for Channel 237A at Judsonia are 35-17-06 NL and 91-37-45 WL. With this action, the proceeding is terminated.

**DATES:** Effective October 12, 1999. A filing window for Channel 237A at Judsonia, Arkansas, 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:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 99-98, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

#### 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 reads 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 Arkansas, is amended by adding Judsonia, Channel 237A.

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 Part 225

[DFARS Case 99-D020]

#### Defense Federal Acquisition Regulation Supplement; Acquisitions for Foreign Military Sales

**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 clarify that the contracting officer must not require the submission of cost or pricing data for a foreign military sales acquisition if the foreign government has conducted a competition resulting in adequate price competition. The rule also clarifies that all costs incurred for offset agreements with a foreign government or international organization are allowable if financed wholly with customer cash or repayable foreign military finance credits.

**EFFECTIVE DATE:** September 14, 1999.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0288; telefax (703) 602-0350. Please cite DFARS Case 99-D020.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

This final rule amends DFARS 225.7303 to clarify that the contracting officer must not require the submission of cost or pricing data for a foreign military sales acquisition if the foreign government has conducted a competition resulting in adequate price competition. Such competition meets the requirement of FAR 15.403-1(b)(1), which states that the contracting officer must not require the submission of cost or pricing data when prices are based on adequate price competition.

This rule also amends DFARS 225.7303-2 and 225.7303-5 to clarify that all costs incurred for offset agreements with a foreign government or international organization are allowable if financed wholly with customer cash or repayable foreign military finance credits. In 1996, DoD amended the language at DFARS 225.7303-2 to clarify that U.S. contractors may recover the full cost necessary to implement such agreements (61 FR 7739, February 29, 1996; 60 FR 49358, September 25,

1995). Since there appear to be differences in the way the language is being interpreted and implemented, this rule makes further clarifications.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

##### B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 99-D020.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this 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.

#### 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 225.7303 is revised to read as follows:

##### 225.7303 Pricing acquisitions for FMS.

(a) Price FMS contracts using the same principles as are used in pricing other defense contracts. Application of the pricing principles in FAR parts 15 and 31 to an FMS contract may result in prices that differ from other defense contract prices for the same item due to the considerations in this section.

(b) If the foreign government has conducted a competition resulting in adequate price competition (see FAR 15.403-1(b)(1)), the contracting officer must not require the submission of cost or pricing data. The contracting officer should consult with the foreign government through security assistance personnel to determine if adequate price competition has occurred.

3. Section 225.7303-2 is amended by revising paragraph (a)(3) introductory text and paragraph (a)(3)(i) to read as follows: