this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–12907 Filed 5–14–98; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–205; RM–9161]

Radio Broadcasting Services; Perry, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action in this document allots Channel 228A to Perry, Florida, as that community's second local service in response to a petition filed by Frank Vela. *See* 62 FR 51824, October 3, 1997. The coordinates for Channel 228A at Perry are 30–07–00 and 83–34–26. There is a site restriction .8 kilometers (.5 miles) east of the community. With this action, this proceeding is terminated. A filing window for Channel 228A at Perry, Florida, 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.

EFFECTIVE DATE: June 8, 1998.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No.97–205, adopted April 16, 1998, and released April 24, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission'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 Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

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, 303,334,336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Channel 228A at Perry.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–12905 Filed 5–14–98; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–188; RM–9137]

Radio Broadcasting Services; Macon, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Team Broadcasting Company, Inc., allots Channel 263A to Macon, Mississippi, as the community's first local FM service. *See* 62 FR 46708, September 4, 1997. Channel 263A can be allotted to Macon in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.8 kilometers (6.1 miles) west of the community. The coordinates for Channel 263A at Macon, Mississippi, are 33–06–37 NL and 88–39–59 WL. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 15, 1998. A filling window for Channel 263A at Macon, Mississippi, 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: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–188, adopted April 22, 1998, and released May 1, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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 contractor, ITS, 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 Mississippi, is amended by adding Macon, Channel 263A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–12909 Filed 5-14-98; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF AGRICULTURE

48 CFR Parts 401, 402, 403, 407, 408, 409, 411, 416, 419, 422, 424, 425, 432, 434, 436, and 452

[AGAR Case 96–03]

RIN 0599–AA00

Office of Procurement and Property Management; Agriculture Acquisition Regulation; Miscellaneous Amendments

AGENCY: Office of Procurement and Property Management, USDA

ACTION: Direct final rule

SUMMARY: The Department of Agriculture is publishing technical corrections to the Agriculture Acquisition Regulation (AGAR) as a final rule. We use the direct final rule process to make noncontroversial changes to the AGAR. We are amending the AGAR to reflect changes in the Federal Acquisition Regulation through Federal Acquisition Circular 97–01 and to correct minor errors and omissions in the reissuance of the AGAR published on October 15, 1996 (61 FR 53645–53677).

EFFECTIVE DATE: This rule will be effective on July 14, 1998, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before June 15, 1998. If adverse comments are received, the Department will publish a timely

withdrawal of the rule in the **Federal Register**.

ADDRESSES: Please submit any adverse comments, or a notice of intent to submit adverse comments, in writing to U.S. Department of Agriculture, Office of Procurement and Property Management, Procurement Policy Division, STOP 9303, 1400 Independence Avenue SW, Washington, DC 20250–9303.

FOR FURTHER INFORMATION CONTACT: Joseph J. Daragan, (202) 720–5729.

SUPPLEMENTARY INFORMATION:

I. Background
II. Dates
III. Procedural Requirements
A. Executive Order Nos. 12866 and 12988
B. Regulatory Flexibility Act
C. Paperwork Reduction Act
D. Small Business Regulatory Enforcement Fairness Act
IV. Electronic Access Addresses

I. Background

The AGAR implements the Federal Acquisition Regulation (FAR) (48 CFR Ch. 1) where further implementation is needed, and supplements the FAR when coverage is needed for subject matter not covered by the FAR. The AGAR is being revised to reflect changes in the Federal Acquisition Regulation through Federal Acquisition Circular 97–01 and to correct minor errors and omissions in the AGAR. In this rulemaking document, the Department of Agriculture is making corrections to the AGAR as a direct final rule, since the corrections are non-controversial and unlikely to generate adverse comment. The corrections are clerical or procedural in nature, and do not affect the public.

The following changes have been made to the rule.

(a) AGAR 401.170 is added to inform users about the USDA Departmental Administration Procurement Homepage.

(b) AGAR 402.101 is amended to change the title of the Senior Procurement Executive's organization.

(c) AGAR 403.104–5, 422.608, 422.608–4, 425.203, and 425.204 have been removed to reflect amendments to the FAR.

(d) AGAR 403.104–11, 416.404, 416.404–2, and 416.405 have been redesignated 403.104–10, 416.405, 416.405–2, and 416.406, respectively, to reflect amendments to the FAR.

(e) The title of AGAR subpart 408.7 is amended to refer to the ''severely disabled'' instead of the ''severely handicapped''.

(f) The definition of ''debarring official'' in AGAR 409.403 is amended to clarify the authority of the Executive Vice President, Commodity Credit Corporation (CCC) to conduct suspension or debarment actions related to CCC commodity contracts. This amendment reflects suspension and debarment authority conferred on CCC by 7 CFR 1407.

(g) AGAR 411.171 and 411.404 have been revised to reflect changes to the numbering of six clauses referenced in these sections.

(h) AGAR 419.602–3 and 425.202 have been revised to reflect amendments to the FAR.

(i) The schedule for submission of subcontract award data to the Office of Small and Disadvantaged Business Utilization by USDA agencies has been changed, and AGAR 419.201–73 is amended accordingly.

(j) The citation to the definition of ''major system'' in the FAR is corrected to conform to an amendment to the FAR. AGAR 434.001 is revised to cite the definition at FAR 2.101.

(k) AGAR part 436 is revised to remove subpart 436.3 and to redesignate 436.302 as 436.213–2 to reflect an amendment to the FAR.

(l) AGAR 436.575, Maximum workweek—construction schedule, is revised to add a reference to FAR clause 52.236–15, Schedules for Construction Contracts.

(m) Clauses 452.211–1 through 452.211–6 are redesignated 452.211–70 through 452.211–75, respectively, to conform to the numbering scheme established by FAR 1.303. Clause 452.232–1 likewise is redesignated 452.232–70 to conform to this numbering system.

II. Procedural Requirements

A. Executive Order Nos. 12866 and 12988

A work plan was prepared for this regulation and submitted to the Office of Management and Budget pursuant to Executive Order No. 12866. The rule has been determined to be not significant for the purposes of Executive Order No. 12866. Therefore, the rule has not been reviewed by the Office of Management and Budget. This rule has been reviewed in accordance with Executive Order No. 12988, Civil Justice Reform. The proposed rule meets the applicable standards in section 3 of Executive Order No. 12988.

B. Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601–611, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. The corrections to the AGAR do not affect the way in which USDA conducts its acquisitions or otherwise interacts with the public. USDA certifies that this proposed rule will not have a significant economic effect on a substantial number of small entities, and, therefore, no regulatory flexibility analysis has been prepared.

C. Paperwork Reduction Act

No information collection or recordkeeping requirements are imposed on the public by this final rule. Accordingly no OMB clearance is required by section 350(h) of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, or OMB's implementing regulation at 5 CFR Part 1320.

D. Small Business Regulatory Enforcement Fairness Act

This final rule has been submitted to each House of Congress and the Comptroller General in accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801 *et seq.*

IV. Electronic Access Addresses

You may send electronic mail (E-mail) to JDARAGAN@USDA.GOV, or contact us via fax at (202) 720–8972, if you would like additional information about this rule, or if you wish to submit comments.

List of Subjects in 48 CFR Parts 401, 402, 403, 407, 408, 409, 411, 416, 419, 422, 424, 425, 432, 434, 436, and 452

For the reasons set out in the preamble, 48 CFR Chapter 4 is amended as set forth below:

1. The authority citation for parts 401, 402, 403, 407, 408, 409, 411, 416, 419, 422, 424, 425, 432, 434, 436 and 452, continues to read as follows:

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

2.–3. Section 401.170 is added to read as follows:

401.170 Electronic access to regulatory information.

The USDA Departmental Administration Procurement Homepage provides access to the AGAR, AGAR amendments (circulars), AGAR Advisories, and other USDA procurement policy and guidance in electronic form. The Internet address for the Procurement Homepage is URL http://www.usda.gov/da/procure.html.

402.101 [Amended]

4. In section 402.101 in the definition of *Senior Procurement Executive (SPE),*

remove the words ''Director, Procurement and Property Management, Policy Analysis and Coordination Center'' and add, in their place, ''Director, Office of Procurement and Property Management''.

403.104–5 [Removed]

5. Section 403.104–5 is removed and reserved.

403.104–11 [Redesignated as 403.104–10]

6. Section 403.104–11 is redesignated as 403.104–10.

7.–8. Newly designated section 403.104–10 is amended by revising the heading and paragraph (b) to read as follows:

403.104–10 Violations or possible violations.

* * * * *

(b) Heads of contracting activities (HCA's) or their designees who receive information concerning any violation or possible violation of the Act shall take action in accordance with FAR 3.104–10(b).

407.503 [Amended]

9. In paragraph (b)(4) of section 407.503, remove the word ''activity'' and add, in its place, the word ''activity's''.

PART 408—[AMENDED]

10. In Part 408, remove the word ''Handicapped'' wherever it appears and add, in its place, the word ''Disabled''.

PART 409—[AMENDED]

11. Section 409.403 is revised to read as follows:

409.403 Definitions.

Debarring official. Pursuant to the Secretary's delegations of authority in 7 CFR 2.24, the Senior Procurement Executive (SPE) is designated as the debarring official (Department Debarring Officer) with the following exceptions:

(a) For commodity contracts awarded on behalf of the Commodity Credit Corporation (CCC), the Executive Vice President, CCC, or his designee is designated as the debarring official pursuant to 7 CFR part 1407.

(b) For contracts awarded under the School Lunch and Surplus Removal Programs (42 U.S.C. 1755 and 7 U.S.C. 612c), the Department Debarring Officer has delegated debarring authority to the Agricultural Marketing Service (AMS).

PART 411—[AMENDED]

12. Section 411.171 is revised to read as follows:

411.171 Solicitation provisions and contract clauses.

(a) Contracting officers shall insert the provision at 452.211–70, Brand Name or Equal, in solicitations, other than those for construction, where ''brand name or equal'' purchase descriptions are used.

(b) Contracting officers shall insert the clause at 452.211–71, Equal Products Offered, in solicitations, other than those for construction, where the provision at 452.211–70 is included.

(c) Contracting officers shall insert the clause at 452.211–72, Statement of Work/Specifications, when the description (statement of work) or specification(s) is included in Section J of the solicitation.

(d) Contracting officers shall insert the clause at 452.211–73, Attachment to Statement of Work/Specifications, when there are attachments to the description (statement of work) or specifications.

13. Section 411.404 is revised to read as follows:

411.404 Contract clauses.

(a) The contracting officer shall insert the clause at 452.211–74, Period of Performance, when it is necessary to specify a period of performance, beginning on the date of award, date of receipt of notice of award, or a specified date.

(b) The contracting officer shall insert the clause at 452.211–75, Effective Period of the Contract, when it is necessary to specify the effective period of the contract.

PART 416—[AMENDED]

14. In subpart 416.4, sections 416.404, 416.404–2, and 416.405 are redesignated 416.405, 416.405–2, and 416.406, respectively.

PART 419—[AMENDED]

15. Section 419.201–73 is amended by revising paragraph (b) to read as follows:

419.201–73 Reports.

* * * * *

(b) The following dates must be adhered to in regard to the reporting of subcontract award data.

SF–294 Reports
- Frequency: Twice a Year.
- Cut-off date (Reporting Period Ending): March 31.
- Date Due at Contracting Activity: April 30.
- Cut-off date (Reporting Period Ending): September 30.
- Date Due at Contracting Activity: October 30.

SF–295 Reports
- Frequency: Once a Year.
- Cut-off date (12 Month-Period Ending): September 30.
- Date Due at OSDBU: October 30.

16. Section 419.602–3 is revised to read as follows:

§ 419.602–3 Resolving differences between the agency and the Small Business Administration.

The HCA is authorized to appeal the issuance of a COC to SBA Headquarters as provided by FAR 19.602–3(a).

422.608 [Removed]

17. Section 422.608 is removed and reserved.

422.608–4 [Removed]

18. Section 422.608–4 is removed.

424.202 [Redesignated as 424.203]

19. Section 424.202 is redesignated as section 424.203.

PART 425—[AMENDED]

20.–21. Section 425.202 is revised to read as follows:

425.202 Policy.

(a) The SPE shall make the determination prescribed in FAR 25.202(a)(3).

(b) If a contracting officer proposes that the use of a particular domestic construction material should be waived for a contract on the grounds that its use would be impracticable, the contracting officer shall submit a proposed determination with supporting information through the HCA to the SPE for approval or disapproval.

425.203 [Removed]

425.204 [Removed]

22. Sections 425.203 and 425.204 are removed and reserved.

432.111 [Amended]

23. In section 432.111, remove ''452.232–1'' and add, in its place, ''452.232–70''.

434.001 [Amended]

24. In section 434.001, in the introductory text, remove ''34.001'' and add, in its place, ''2.101''.

PART 436—[AMENDED]

25.–26. Sections 436.213 and 436.213–2 are added to read as follows:

436.213 Special procedures for sealed bidding in construction contracting.

436.213–2 Presolicitation notices.

The authority to waive a presolicitation notice is restricted to the HCA.

Subpart 436.3—[Removed]

27. Subpart 436.3 is removed and reserved.

28. Section 436.575 is revised to read as follows:

436.575 Maximum workweek-construction schedule.

The contracting officer shall insert the clause at 452.236–75, Maximum Workweek-Construction Schedule, if the clause at FAR 52.236–15 is used and the contractor's work schedule is restricted by access to the facility or must be coordinated with the schedule of contract administration personnel.

452.211–1—452.211–6 [Redesignated as 452.211–70—452.211–75]

29.–30. Sections 452.211–1 through 452.211–6 are redesignated sections 452.211–70 through 452.211–75, respectively.

452.232–1 [Redesignated as 452.232–70]

31. Section 452.232–1 is redesignated as 452.232–70.

Done at Washington, D.C., this 7th day of May, 1998.

W.R. Ashworth,

Director, Office of Procurement and Property Management.

[FR Doc. 98–12841 Filed 5–14–98; 8:45 am]

BILLING CODE 3410–XE–P

DEPARTMENT OF AGRICULTURE

Office of Procurement and Property Management

48 CFR Parts 426 and 452

[AGAR Case 96–01]

RIN 0599–AA00

Agriculture Acquisition Regulation; Preference for Selected Biobased Products

AGENCY: Office of Procurement and Property Management, USDA.

ACTION: Final rule.

SUMMARY: This document amends the Agriculture Acquisition Regulation (AGAR) to establish policy and procedures for set-asides and preferences for products developed with assistance provided by the Alternative Agricultural Research and Commercialization Corporation (AARCC). This amendment is needed to implement the set-asides and preferences described in section 1665 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 5909). USDA will use these new policies and procedures to increase its acquisition of AARCC supported products.

DATES: This rule is effective July 14, 1998.

FOR FURTHER INFORMATION CONTACT: J.R. Holcombe, Jr., (202) 720–8484.

SUPPLEMENTARY INFORMATION:

I. Background
II. Analysis of Comments
III. Procedural Requirements
A. Executive Order Nos. 12866 and 12988.
B. Regulatory Flexibility Act.
C. Paperwork Reduction Act.
D. Small Business Regulatory Enforcement Fairness Act
IV. Electronic Access Addresses

I. Background

The AGAR implements the Federal Acquisition Regulation (FAR) (48 CFR Ch. 1) where further implementation is needed, and supplements the FAR when coverage is needed for subject matter not covered by the FAR. This rule amends the AGAR to establish acquisition preferences for selected biobased products; i.e., nonfood, nonfeed products made from agricultural and forestry materials and animal by-products.

The Alternative Agricultural Research and Commercialization Corporation (AARCC), a wholly-owned government corporation of the Department of Agriculture (USDA), provides financial assistance to private companies and other parties to commercialize biobased products. Section 1665 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5909), added by section 729 of the Federal Agriculture Improvement and Reform Act of 1996 (Section 1665), authorizes Federal executive agencies to establish set-asides and preferences for biobased products that have been commercialized with assistance provided by AARCC.

In a Notice of Proposed Rulemaking (62 FR 52081, October 6, 1997), USDA announced that this proposed amendment to the AGAR was available for public review and comment during a 60-day comment period. One commenter, a trade association, submitted comments on the proposed rule to USDA. We considered these comments and concluded that no changes to the proposed rule were required. In this rulemaking document, USDA is finalizing the proposed amendment to the AGAR.

We are making the following changes to the AGAR:

(a) We are adding AGAR part 426, Other Socioeconomic Programs, with a subpart 426.70, Preference for Selected Biobased Products. This subpart establishes policy and procedures for preferences and set-asides for products developed with AARCC assistance.

(b) Provisions 452.226–70, Preferred Products, 452.226–71, Set-aside for Mandatory Products, and 452.226–72, Price Preference for Award, are added to AGAR part 452.

II. Analysis of Comments

We received one comment in response to the Notice of Public Rulemaking. A trade association commented that it would be appropriate to include biodiesel fuels and related biobased products on Preference Lists for biobased products established in accordance with AGAR 426.7005. To the extent that such fuels are products developed with assistance from AARCC (AARCC products), they would be eligible for inclusion on the Preference List. Biodiesel fuels that are not AARCC products are outside the scope of the rule and of Section 1665. Since establishing preferences for other than AARCC products is outside the scope of this rule, we did not make any change to the rule.

III. Procedural Requirements

A. Executive Order Nos. 12866 and 12988

A work plan was prepared for this regulation and submitted to the Office of Management and Budget pursuant to Executive Order No. 12866. The rule has been determined to be not significant for the purposes of Executive Order No. 12866. Therefore, the rule has not been reviewed by the Office of Management and Budget. This rule has been reviewed in accordance with Executive Order No. 12988, Civil Justice Reform. The rule meets the applicable standards in section 3 of Executive Order No. 12988.

B. Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601–611, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. This final rule will not have an adverse impact on a substantial number of small businesses. In Fiscal Year 1997, USDA contract purchases from small business concerns totaled $710 million, not including commodity purchases. USDA purchases of AARCC products are unlikely to exceed $1 million annually, even with preferences. The anticipated dollar volume of AARCC product purchases thus would be less than 0.1% of the volume of products and services USDA now purchases from small businesses. Furthermore, AARCC product purchases will be made almost entirely from small businesses.

Our analysis of the impact of AARCC preferences suggests that the AARCC