

governments in the aggregate or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 5, 1995.  
Felicia Marcus,  
Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

**Subpart F—California**

2. Section 52.220 is amended by adding paragraph (c)(183)(i)(A)(13) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(183) \* \* \*

(i) \* \* \*

(A) \* \* \*

(13) Rule 67.15, adopted on December 18, 1990.

\* \* \* \* \*

[FR Doc. 95-23822 Filed 9-25-95; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 89-580; RM-6977, RM-7177, RM-7446]

**Radio Broadcasting Services; Elkins, WV; Mountain Lake Park and Westernport, MD**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission denied an application for review filed by Southern Highlands, Inc., which argued that a condition be placed on Marja's construction permit for Channel 255B1 at Elkins, West Virginia, requiring it to operate with maximum power and antenna height for Class B1 stations. In doing so, the Commission affirmed the *Memorandum Opinion and Order* on reconsideration in this proceeding, 57 FR 40342, September 3, 1992, which had granted in part Southern's petition for reconsideration and affirmed in part the *Report and Order*, 56 FR 52478, October 21, 1991. The *Memorandum Opinion and Order* rearranged the allotment plan adopted by the *Report and Order* in order to permit 6 kilowatt operation at Mountain Lake Park on Channel 283A in lieu of Channel 239A, and at Westernport on Channel 266A in lieu of Channel 283A. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** September 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** J. Bertron Withers, Jr., Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order*, MM Docket No. 89-580, adopted August 21, 1995 and released September 21, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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**DEPARTMENT OF ENERGY**

**48 CFR Parts 933 and 970**

**RIN 1991-AB20**

**Acquisition Regulation; Department of Energy Management and Operating Contracts**

AGENCY: Department of Energy.

ACTION: Final rule.

**SUMMARY:** The Department of Energy (DOE) amends the Department of Energy Acquisition Regulation (DEAR) to modify certain requirements for management and operating contractor subcontracting. This rule incorporates a revised clause and a new clause which minimizes obligations placed upon contractor purchasing systems and streamlines flowdown requirements for subcontracts awarded by management and operating contractors.

**EFFECTIVE DATE:** October 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** James J. Cavanagh, Office of Contractor Management and Administration (HR-55), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585; telephone 202-586-8257.

**SUPPLEMENTARY INFORMATION:**

Table of Contents

- I. Background.
- II. Disposition of Comments.
- III. Procedural Requirements.
  - A. Review Under Executive Order 12866.
  - B. Review Under the National Environmental Policy Act.
  - C. Review Under the Paperwork Reduction Act.
  - D. Review Under the Regulatory Flexibility Act.
  - E. Review Under Executive Order 12612.
  - F. Review Under Executive Order 12778.

I. Background

On March 2, 1995, DOE published in the Federal Register (60 FR 11646) a notice of proposed rulemaking (NPR). That notice proposed to amend the DEAR to identify certain purchasing system objectives and standards, eliminate the application of the "Federal norm," place greater reliance on commercial practices, and remove the provisions concerning General Accounting Office protest jurisdiction over management and operating contractor subcontract awards. The March 2, 1995 notice also reserved for further analysis the removal of DEAR Section 970.7104 and advised that an amendment to the rulemaking would be issued in the event portions of DEAR Section 970.7104 were to be retained and redesignated. Except for the