



DEFENSE LOGISTICS AGENCY
HEADQUARTERS
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FT. BELVOIR, VIRGINIA 22060-6221

IN REPLY
REFER TO

MMPPP
PROCLTR 97- 03

JAN 27 1997

MEMORANDUM FOR PROCLTR DISTRIBUTION LIST

SUBJECT: Individual Compensation

This PROCLTR provides initial implementation of a \$250,000 annual limitation on individual compensation established by Section 8071 of the National Defense Appropriations Act for Fiscal Year 1997 (Public Law 104-208). The limitation applies to DoD contracts funded by Fiscal Year 1997 appropriations. A copy of the DFARS Part 231 changes were forwarded with the December 13, 1996 memorandum from the Director, Defense Procurement (Attachment 1). A copy of the interim rule published the same date in the Federal Register is at Attachment 2.

This PROCLTR is effective immediately and expires upon publication of the DFARS changes in a future Defense Acquisition Circular, but in any event, not later than one year from its issue date. Questions may be directed to Mr. Jerry Gilbert, MMPPP, 703-767-1350, DSN 427-1350, or via internet to jerry_gilbart@hq.dla.mil.

Attachments

ROBERT L. MOLINO
Executive Director
(Procurement)





ACQUISITION AND
TECHNOLOGY
DP (DAR)

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000

December 13, 1996



In reply refer to
DFARS Case: 96-D330
D. L. 96-023

MEMORANDUM FOR DIRECTORS OF DEFENSE AGENCIES
DEPUTY FOR ACQUISITION AND BUSINESS MANAGEMENT,
ASN(RD&A)/ABM
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
DIRECTOR, PROCUREMENT POLICY, ASA(RD&A)/SARD-PP
DEPUTY DIRECTOR (ACQUISITION), DEFENSE LOGISTICS AGENCY

SUBJECT: Individual Compensation

We have amended Part 231 of the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8071 of the National Defense Appropriations Act for Fiscal Year 1997 (Pub. L. 104-208). Section 8071 limits allowable costs for individual compensation to \$250,000 per year. This restriction applies to DoD contracts when payments are from funds appropriated in fiscal year 1997.

This interim DFARS rule is effective immediately and will be published in a future Defense Acquisition Circular.

Eleanor R. Spector
Director, Defense Procurement

Attachment

cc: DSMC, Ft. Belvoir

ATTACHMENT 1



INDIVIDUAL COMPENSATION
DFARS Case 96-D330

PART 231--CONTRACT COST PRINCIPLES AND PROCEDURES

* * * * *

SUBPART 231.2--CONTRACTS WITH COMMERCIAL ORGANIZATIONS

231.205 Selected costs.

231.205-6 Compensation for personal services.

(a)(2)(i) [(A)] Costs for individual compensation in excess of \$250,000 per year are unallowable under DoD contracts that are awarded after April 15, 1995, and are funded by fiscal year 1995 appropriations (Section 8117 of Pub. L. 103-335).

[(B)] Costs for individual compensation in excess of \$200,000 per year are unallowable under DoD contracts that are awarded after July 1, 1996, and are funded by fiscal year 1996 appropriations (Section 8086 of Pub. L. 104-61).

[(ii) Costs for individual compensation in excess of \$250,000 per year are unallowable under new DoD contracts funded by fiscal year 1997 appropriations (Section 8071 of Pub. L. 104-208). For purposes of this limitation, the term "compensation" means-

(A) The total amount of taxable wages paid to the employee for the year concerned; plus

(B) The total amount of elective deferred compensation earned by the employee in the year concerned.]

* * * * *

PART 57—GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES, EDUCATION IMPROVEMENTS, SCHOLARSHIPS AND STUDENT LOANS

Subpart B—Grants for Construction of Teaching Facilities for Health Professions Personnel

Subpart B to Part 57—[Removed]

Appendix A to Subpart B—[REMOVED]

1. Part 57, Subpart B, is removed.

Part 57, Subpart B, §§ 57.101–57.112

[FR Doc. 96-30910 Filed 12-12-96; 8:45 am]
BILLING CODE 4160-15-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-162; RM-8700]

Radio Broadcasting Services; Brackettville, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Tim Walker, allots Channel 234A to Brackettville, Texas. See 60 FR 52641, October 10, 1995. Channel 234A can be allotted to Brackettville in compliance with the Commission's distance separation requirements with a site restriction of 0.7 kilometers (0.4 miles) south. The coordinates for Channel 234A at Brackettville are 29-19-00 and 100-25-03. Because the allotment at Brackettville creates a short-spacing to Station XHTA(FM), Piedras Negras, Coahuila, Mexico, we have obtained Mexican approval for Channel 234A at Brackettville, Texas, as a limited and restricted short-spaced allotment. With this action, this proceeding is terminated.

DATES: Effective January 21, 1997. The window period for filing applications will open on January 21, 1997, and close on February 21, 1997.

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. 95-152, adopted November 29, 1996, and released December 6, 1996. 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, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

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, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Brackettville, Channel 234A.

Federal Communications Commission

John A. Karousos,

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

[FR Doc. 96-31660 Filed 12-12-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-16; RM-8748 and RM-8798]

Radio Broadcasting Services; Barron and Rice Lake, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action in this document allots Channel 249A to Barron, Wisconsin, in response to a petition filed by Barron Broadcasting Corporation. See 61 FR 8230, March 4, 1996. The coordinates for Channel 249A are 45-29-00 and 91-49-30. There is a site restriction 9.5 kilometers (5.9 miles) north of the community. In response to a counterproposal filed by Red Cedar Broadcasters, Inc., we shall substitute Channel 256C2 for Channel 249C3 at Rice Lake, Wisconsin, and modify the license for Station WAQE-FM accordingly. The coordinates for Channel 256C2 at Rice Lake are 45-23-00 and 91-51-00. Canadian concurrence has been obtained for the allotment of Channel 249A at Barron and Channel 256C2 at Rice Lake. With this action, this proceeding is terminated.

DATES: Effective January 21, 1997. The window period for filing applications for Channel 249A at Barron, Wisconsin, will open on January 21, 1997, and close on February 21, 1997.

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. 96-15, adopted November 29, 1996, and released December 6, 1996. 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, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (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 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by removing Channel 249C3 and adding Channel 256C2 at Rice Lake and by adding Barron, Channel 249A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-31658 Filed 12-12-96; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE

48 CFR Part 231

[DFARS Case 96-D330]

Defense Federal Acquisition Regulation Supplement; Individual Compensation

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 8071 of Pub. L. 104-208 by placing a ceiling on allowable individual compensation

under DoD contracts when payments are from funds appropriated in fiscal year 1997.

DATES: *Effective date:* December 13, 1996.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before February 11, 1997, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 96-D330 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberin, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule revises DFARS 231.205-6, Compensation for Personal Services, to implement Section 8071 of the National Defense Appropriations Act for Fiscal Year 1997 (Pub. L. 104-208). Section 8071 limits allowable individual compensation costs for all contractor personnel to \$250,000 per year. This restriction applies to DoD contracts when payments are from funds appropriated in fiscal year 1997.

B. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Urgent and compelling reasons exist to promulgate this rule without prior opportunity for public comment. This rule implements Section 8071 of the National Defense Appropriations Act for Fiscal Year 1997 (Pub. L. 104-208), which was effective upon enactment on September 30, 1996. However, comments received in response to the publication of this rule will be considered in formulating the final rule.

C. Regulatory Flexibility Act

The 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 most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive, fixed-price basis, and do not require application of the cost principle contained in this rule. An Initial Regulatory Flexibility Analysis has, therefore, not been performed.

Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart also will be considered in accordance with Section 610 of the Act. Such comments should be submitted separately and should cite DFARS Case 96-D330 in correspondence.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the interim rule does not impose any new reporting or recordkeeping requirements which 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 231

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 231 is amended as follows:

1. The authority citation for 48 CFR Part 231 continues to read as follows:

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

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 231.205-6 is amended by redesignating paragraphs (a)(2)(i) and (a)(2)(ii) as paragraphs (a)(2)(i)(A) and (a)(2)(i)(B), respectively, and by adding a new paragraph (a)(2)(ii) to read as follows:

231.205-6 Compensation for personal services.

(a)(2) * * *

(ii) Costs for individual compensation in excess of \$250,000 per year are unallowable under new DoD contracts funded by fiscal year 1997 appropriations (Section 8071 of Public Law 104-208). For purposes of this limitation, the term "compensation" means—

(A) The total amount of taxable wages paid to the employee for the year concerned; plus

(B) The total amount of elective deferred compensation earned by the employee in the year concerned.

* * * * *

[FR Doc. 96-31677 Filed 12-12-96; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Chapter I

[Notice No. 96-26]

Advisory Notice: Transportation of Air Carrier Company Materials (COMAT) by Aircraft

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Advisory guidance.

SUMMARY: This document provides advisory guidance as to the extent and application of exceptions from the Hazardous Materials Regulations applicable to the transportation of an air carrier's company materials.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazzullo, Director, Office of Hazardous Materials Standards, RSPA, Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590-0001, Telephone (202) 366-8553.

SUPPLEMENTARY INFORMATION: In testimony at a recent hearing conducted by the National Transportation Safety Board (NTSB), and in a position paper prepared for the hearing by the Air Line Pilots Association (ALPA), concerns were expressed with regard to the provisions of § 175.10(a)(2) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-80), applicable to an air carrier's transportation of its own company materials (COMAT). This advisory guidance is being issued to clarify the application of these provisions of the HMR and to overcome a number of apparent misunderstandings of them.

Part 175 of the HMR is entitled "Carriage By Aircraft" and applies to the acceptance for transportation, loading, and transportation of hazardous materials in any aircraft in the United States and in aircraft of U.S. registry anywhere in air commerce. Section 175.10 of the part is entitled "Exceptions." Paragraph (a)(2) of the section (herein referred to as the COMAT exception) follows an introduction stating "This subchapter [the HMR] does not apply to:" and reads as follows:

(2) Hazardous materials required aboard an aircraft in accordance with the applicable airworthiness requirements and operating regulations. Unless otherwise approved by the Associate Administrator for Hazardous Materials Safety, items of replacement for such hazardous materials must be transported in accordance with this subchapter except that—

(i) In place of the required packagings, packagings specially designed for the