

effective date of the *Interim BOC Out-of-Region Order* to July 29, 1996.

EFFECTIVE DATE: The interim rule published on July 9, 1996 at 61 FR 35964 will be effective July 29, 1996.

FOR FURTHER INFORMATION CONTACT:

Michael Pryor (202) 418-0495 or Melissa Waksman (202) 418-0913, Common Carrier Bureau, Policy and Program Planning Division.

SUPPLEMENTARY INFORMATION:

1. On our own motion, pursuant to Section 1.108 of our rules, 47 CFR § 1.108, we reconsider the effective date of the *Interim BOC Out-of-Region Order*, 61 FR 35964, July 9, 1996. In that decision, we established interim rules governing Bell Operating company (BOC) provision of domestic, interstate, interexchange services originating outside of their in-region states. We sought to facilitate the efficient and rapid provision of such services by the BOCs, as contemplated by the Telecommunications Act of 1996, (1996 Act), Public Law No. 104-104, 110 Stat. 56 (1996) *codified at* 47 U.S.C. §§ 151 *et seq.* The *Interim BOC Out-of-Region Order* removes dominant carrier regulation for BOCs that provide such services through an affiliate in compliance with certain safeguards. The requirements established in the Order are interim measures that remain in place until we complete our more comprehensive review of the rules that are applicable to both independent local exchange carriers and BOCs in the provision of out-of-region, interstate, interexchange services.

2. We originally established an effective date for the *Interim BOC Out-of-Region Order* of thirty days following publication in the Federal Register. That Order was published in the Federal Register on July 9, 1996, and the scheduled effective date of the Order is August 8, 1996. Under 5 U.S.C. § 553(d)(1), however, a substantive rule which relieves a restriction may become effective prior to thirty days following Federal Register publication. Because the *Interim BOC Out-of-Region Order* lifts dominant carrier regulation for the out-of-region services of BOC affiliates complying with certain minimum safeguards, we find that the Order falls within the exception to the 30-day rule set forth in 5 U.S.C. § 553(d)(1). Accelerating the effective date of that Order will further the goals of the 1996 Act, which provided that upon enactment the BOCs could provide out-of-region, interstate, interexchange services. We find that the effective date of the *Interim BOC Out-of-Region Order* shall be the date of the publication of

this Order on Reconsideration in the Federal Register.

3. Accordingly, *It is ordered* that, pursuant to Sections 4(i), 4(j), 303 and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 303 and 405, and section 1.108 of the Commission's rules, 47 CFR § 1.108, the ORDER ON RECONSIDERATION is hereby ADOPTED and shall become effective on the date of publication in the Federal Register. *It is further ordered* that the effective date of the *Interim BOC Out-of-Region Order*, FCC 96-288 (rel. July 1, 1996), 61 FR 35964 (July 9, 1996), shall be July 29, 1996.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-19240 Filed 7-26-96; 8:45 am]

BILLING CODE 6712-01-P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9903

Cost Accounting Standards Board; Applicability of Cost Accounting Standards Coverage

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

ACTION: Interim rule with request for comment.

SUMMARY: The Cost Accounting Standards (CAS) Board is revising the applicability criteria for application of CAS to negotiated Federal contracts. This rulemaking is authorized pursuant to Section 26 of the Office of Federal Procurement Policy Act, 41 U.S.C. 422. The Board is taking action on this topic to adjust CAS applicability requirements in accordance with Section 4205 of Pub. L. 104-106, the "Federal Acquisition Reform Act of 1996."

EFFECTIVE DATES: This rule is effective July 29, 1996. Comments upon this interim rule must be in writing and must be received by September 27, 1996.

ADDRESSES: Comments should be addressed to Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board, Office of Federal Procurement Policy, 725 17th Street, NW., Room 9001, Washington, DC 20503. Attn: CASB Docket No. 96-01.

FOR FURTHER INFORMATION CONTACT: Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board (telephone: 202-395-3254).

SUPPLEMENTARY INFORMATION:

A. Background

Section 4205 of Pub. L. 104-106, the "Federal Acquisition Reform Act of 1996," amends 41 U.S.C. § 422(f)(2)(B) to revise clause (i) and delete clause (iii). The phrase "contracts or subcontracts where the price negotiated is based on established catalog or market prices of commercial items sold in substantial quantities to the general public" has been substituted with the phrase "contracts or subcontracts for the acquisition of commercial items." The CAS Board is today amending its applicability regulations, solicitation provision and contract clauses in recognition of this change. As amended, firm fixed-price contracts and subcontracts for the acquisition of commercial items (see 48 CFR, Chap. 1, part 12) will be exempt from CAS requirements. Consequently, the Board's December 18, 1995 "Memorandum for Agency Senior Procurement Executives" authorizing CAS waivers for individual firm fixed-price contracts for the acquisition of commercial items when cost or pricing data is not obtained is hereby rescinded.

To accomplish these changes, the Board is amending Section 9903.201-1(b)(6) of its rules. Additionally, the solicitation provision found at 9903.201-3, the contract clauses at 9903.201-4, and the definition found at 9903.301 are amended to reflect this change.

The conference report to Pub. L. 104-106 directs the CAS Board, in consultation with the Director of the Defense Contract Audit Agency, to issue guidance, consistent with commercial accounting systems and practices, to ensure that contractors appropriately assign costs to commercial item contracts, other than firm fixed-price commercial item contracts. At the present time, however, commercial item contracts are limited by regulation to the fixed-price variety. Accordingly, after consideration and review of this issue, the Board has concluded that development of the requested guidance should appropriately await the time when other than fixed-price commercial item contracts are authorized, or until another need for such guidance arises. At the time that a need arises for guidance to address the allocation of costs to other than firm fixed-price commercial item contracts, the Board will, of course, pursue the development of guidance to address the issue.

B. Paperwork Reduction Act

The Paperwork Reduction Act, Public Law 96-511, does not apply to this

rulemaking, because this rule imposes no paperwork burden on offerors, affected contractors and subcontractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

C. Executive Order 12866 and the Regulatory Flexibility Act

The economic impact of this rule on contractors and subcontractors is expected to be minor. As a result, the Board has determined that this final rule will not result in the promulgation of a "major rule" under the provisions of Executive Order 12866, and that a regulatory impact analysis will not be required. Furthermore, this rule will not have a significant impact on a substantial number of small businesses because small businesses are exempt from the application of the Cost Accounting Standards. Therefore, this rule does not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980.

D. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to this interim rule. All comments must be in writing and submitted to the address indicated in the ADDRESSES section.

List of Subjects in 48 CFR Part 9903

Cost accounting standards,
Government procurement.

Richard C. Loeb,

Executive Secretary, Cost Accounting Standards Board.

For the reasons set forth in this preamble, chapter 99 of title 48 of the Code of Federal Regulations is amended as set forth below:

PART 9903—CONTRACT COVERAGE

Subpart 9903.2—CAS Program Requirements

1. The authority citation for part 9903 of chapter 99 of title 48 continues to read as follows:

Authority: Pub. L. 100-679, 102 Stat 4056, 41 U.S.C. § 422.

2. Section 9903.201-1 is amended by revising paragraph (b)(6) to read as follows:

9903.201-1 CAS applicability.

* * * * *

(b) * * *

(6) Firm fixed-price contracts and subcontracts for the acquisition of commercial items.

* * * * *

3. Section 9903.201-3 is amended by revising the clause heading and Part I (a) of the clause to read as follows:

9903.201-3 Solicitation provisions.

* * * * *

COST ACCOUNTING STANDARDS
NOTICES AND CERTIFICATIONS (JULY 1996)

* * * * *

I. Disclosure Statement—Cost Accounting Practices and Certifications

(a) Any contract in excess of \$500,000 resulting from this solicitation, except for those contracts which are exempt as specified in 9903.201-1

* * * * *

4. Section 9903.201-4 is amended by revising the clause headings and paragraphs (d) of the clause entitled Cost Accounting Standards; (d)(2) of the clause entitled Disclosure and Consistency of Cost Accounting Practices; and by revising paragraph (d)(2) and adding paragraph (d)(3) to the clause entitled Cost Accounting Standards—Educational Institutions, to read as follows:

9903.201-4 Contract clauses.

* * * * *

COST ACCOUNTING STANDARDS (JULY 1996)

* * * * *

(d) The Contractor shall include in all negotiated subcontracts which the Contractor enters into, the substance of this clause, except paragraph (b), and shall require such inclusion in all other subcontracts, of any tier, including the obligation to comply with all CAS in effect on the subcontractor's award date or if the subcontractor has submitted cost or pricing data, on the date of final agreement on price as shown on the subcontractor's signed Certificate of Current Cost or Pricing Data. This requirement shall apply only to negotiated subcontracts in excess of \$500,000, except that the requirement shall not apply to negotiated subcontracts otherwise exempt from the requirement to include a CAS clause as specified in 9903.201-1.

(End of clause)

* * * * *

DISCLOSURE AND CONSISTENCY OF
COST ACCOUNTING PRACTICES (JULY 1996)

* * * * *

(d) * * *

(2) This requirement shall apply only to negotiated subcontracts in excess of \$500,000.

* * * * *

COST ACCOUNTING STANDARDS—
EDUCATIONAL INSTITUTIONS (JULY 1996)

* * * * *

(d) * * *

(2) This requirement shall apply only to negotiated subcontracts in excess of \$500,000.

(3) The requirement shall not apply to negotiated subcontracts otherwise exempt from the requirement to include a CAS clause as specified in 9903.201-1.

(End of clause)

Subpart 9903.3—CAS Rules and Regulations

§ 9903.301 Definitions.

5. Section 9903.301 is amended by deleting the definition for *Established catalog or market price of commercial items sold in substantial quantities to the general public*.

[FR Doc. 96-19067 Filed 7-26-96; 8:45 am]

BILLING CODE 3110-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 072396B]

Atlantic Tuna Fisheries; Fishery Closure and Reallocation

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure and reallocation.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (ABT) Harpoon category annual quota and the June/July period General category quota for 1996 will be attained by July 24, 1996. Therefore, the 1996 Harpoon category fishery will be closed effective at 11:30 p.m. on July 24, 1996, and the General category fishery for June/July will be closed effective at 11:30 p.m. on July 24, 1996. This action is being taken to prevent overharvest of these categories. NMFS also announces a transfer of 10 mt of ABT from the longline-south Incidental subcategory to the longline-north Incidental subcategory. NMFS has determined that the fisheries landing ABT under the longline-south Incidental subcategory are not likely to achieve the full 1996 allocation. This reallocation is being taken to extend the season for the longline-north Incidental subcategory, ensure additional collection of biological assessment and monitoring data, and prevent waste of ABT that might otherwise be discarded dead.

EFFECTIVE DATES: The General category closure for the June/July period is effective 11:30 p.m. local time on July