

171. It is further ordered that the Commission's Office of Managing Director SHALL SEND a copy of this *Second Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

List of Subjects in 47 CFR Part 64

Communications common carriers, Operator service access, Payphone compensation, Telephone.

Rule Changes

Part 64 of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 64 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 226, 228, 276, 48 Stat. 1070, as amended; 47 U.S.C. 201, 218, 226, 228, 276 unless otherwise noted.

2. Section 64.1300 (c) and (d) are revised to read as follows:

§ 64.1300 Payphone compensation obligation.

* * * * *

(c) In the absence of an agreement as required by paragraph (a) of this section, the carrier is obligated to compensate the payphone service provider at a per-call rate equal to its local coin rate less \$0.066 at the payphone in question.

(d) For the initial two-year period during which carriers are required to pay per-call compensation, in the absence of an agreement as required by paragraph (a) of this section, the carrier is obligated to compensate the payphone service provider at a per-call rate of \$0.284. After this initial two-year period of per-call compensation, paragraph (c) of this section will apply.

Note: This attachment will not be published in the Code of Federal Regulations.

Attachment B—Parties Filing Comments in Response to Payphone Remand Public Notice

1. Air Touch Paging ("AirTouch")
2. American Public Communications Council ("APCC")
3. America's Carriers Telecommunications Association ("ACTA")
4. AT&T Corp. ("AT&T")
5. Cable and Wireless, Inc. ("CWI")
6. Communications Central, Inc. ("CCI")
7. Competition Policy Institute ("CPI")
8. Competitive Telecommunications Association ("CompTel")

the effective date to be less than 30 days after publication in the **Federal Register**.

9. Excel Telecommunications, Inc. ("Excel")
10. Frontier Corporation ("Frontier")
11. General Communication, Inc. ("GCI")
12. Inmate Calling Services Providers Coalition ("Inmate")
13. International Telecard Association ("ITA")
14. LCI International Telecom Corp. ("LCI")
15. MCI Telecommunications Corporation ("MCI")
16. MIDCOM Communication, Inc. ("MIDCOM")
17. NATSO, Inc. ("NATSO")
18. PageMart Wireless, Inc. ("PageMart")
19. Paging Network, Inc. ("PageNet")
20. Peoples Telephone Company, Inc. ("Peoples")
21. Personal Communications Industry Association ("PCIA")
22. RBOC/GTE/SNET Payphone Coalition ("RBOC")
23. RCN Telecom Services, Inc. ("RCN")
24. Software Defined Network Users Association ("SDN")
25. Sprint Corporation ("Sprint")
26. Telaleasing Enterprises, Inc. ("TEI")
27. Telecommunications Resellers Association ("TRA")
28. Teleport Communications Group Inc. ("Teleport")
29. United States Telephone Association ("USTA")
30. WorldCom, Inc. d/b/a LDDS WorldCom ("WorldCom")

Note: This attachment will not be published in the Code of Federal Regulations.

Attachment C—Parties Filing Reply Comments to Payphone Remand Public Notice³⁸⁹

1. Air Touch Paging ("AirTouch")
2. American Public Communications Council ("APCC")
3. America's Carriers Telecommunications Association ("ACTA")
4. Arch Communications Group ("Arch")
5. AT&T Corp. ("AT&T")
6. Cable and Wireless, Inc. ("CWI")
7. Competition Policy Institute ("CPI")
8. Competitive Telecommunications Association ("CompTel")
9. Consumer Federation of American and Consumer Action ("CFA")
10. Excel Telecommunications, Inc. and Telco Communications Group, Inc. ("Excel")
11. Frontier Corporation ("Frontier")
12. GE Capital Communications Services Corporation ("GECCS")
13. General Communication, Inc. ("GCI")
14. Illinois Public Telecommunications Association ("IPTA")
15. Inmate Calling Services Providers Coalition ("Inmate")
16. International Telecard Association ("ITA")
17. IPSP Ad Hoc Committee for Consumer Choice ("IPSP")
18. MCI Telecommunications Corporation ("MCI")
19. MIDCOM Communication, Inc. (MIDCOM)

³⁸⁹ The following parties have submitted letters to the Commission, which are treated as informal comments and considered part of the record in this proceeding: Borden, Champion, and Sitel.

20. Oncor Communications ("Oncor")
21. PageMart Wireless, Inc. ("PageMart")
22. Paging Network, Inc. ("PageNet")
23. Peoples Telephone Company, Inc. and Communications Central, Inc. ("Peoples")
24. Personal Communications Industry Association ("PCIA")
25. RBOC/GTE/SNET Payphone Coalition ("Coalition")
26. RCN Telecom Services, Inc. ("RCN")
27. Sprint Corporation ("Sprint")
28. Telaleasing Enterprises, Inc. ("TEI")
29. United States Telephone Association ("USTA")
30. WorldCom, Inc. d/b/a LDDS WorldCom ("WorldCom")

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket 96-128; DA 97-2214]

Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Notice of partial waiver of regulations.

SUMMARY: On October 7, 1997, the Common Carrier Bureau granted, on its own motion, a limited waiver of five months, until March 9, 1998, to those local exchange carriers and payphone service providers that cannot provide payphone-specific digits as required by orders in this proceeding. This limited waiver applied to the requirement that local exchange carriers provide payphone-specific coding digits to payphone service providers, and that payphone service providers provide coding digits from their payphones before they can receive per-call compensation from interexchange carriers for subscriber 800 and access code calls, and 0+ and inmate calls (47 CFR 64.1300-64.1340). The limited waiver recognized that three parties had filed petitions for waiver of the payphone-specific coding digit requirements. This document seeks comment on those waiver requests.

DATES: The partial waiver of 47 CFR 64.1300-64.1340 is effective October 7, 1997 until March 9, 1998. Comments are due on or before October 30, 1997, and reply comments are due on or before November 6, 1997.

ADDRESSES: Federal Communications Commission, Room 222, 1919 M St., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Rose Crellin or Greg Lipscomb, Formal Complaints and Information Branch, Enforcement Division, Common Carrier Bureau. (202) 418-0960.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1807, 1816, 1817, 1827, 1832, 1837, 1842, 1845, and 1852

Miscellaneous Revisions to the NASA FAR Supplement

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NFS) to specify sources of the NASA Acquisition Forecast; amend regulations on types of contracts and special contracting methods; correct errors in regulations on patents, data, and copyrights; add new language on contract financing; remove unnecessary language relating to service contracting; implement direct submission of vouchers to NASA paying offices; and clarify contractor property reporting requirements.

EFFECTIVE DATE: October 30, 1997.

FOR FURTHER INFORMATION CONTACT: Tom O'Toole, NASA, Office of Procurement, Contract Management Division (Code HK), (202) 358-0478.

SUPPLEMENTARY INFORMATION:

Background

NFS 1807.7205(a) specifies the Internet URL to obtain the annual NASA Acquisition Forecast and its semiannual update. This URL is outdated and is corrected. Paragraph (b) of this section specifies that a hard copy of the forecast may be obtained from the Headquarters Office of Procurement (HS) and the Office of Small and Disadvantaged Business Utilization (Code K). NASA believes electronic access is the most efficient method to disseminate information in an expedient manner, and the hard copy availability is deleted. Changes are made in Part 1816 to revise existing language and add a new section 1816.404. Changes are made to Part 1817 to remove paragraph (a)(2) from section 1817.7001 and transferring it to a new subpart 1817.72. Changes are made to Part 1827 to reinsert language inadvertently deleted

in the NFS Rewrite (1827.301) and correct a typographical error (1827.303-70). The change in Part 1837 is to delete paragraph (c) of section 1837.110-70. Changes are made to Parts 1842 and 1852 to implement a Defense Contract Audit Agency (DCAA) program for contractor direct submission of interim vouchers to NASA paying offices without prior DCAA review. Finally, NFS Part 1845 is clarified to specify that fee associated with fabrication of Government property shall be included in Contractor Government property reports.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This final rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1807, 1816, 1817, 1827, 1832, 1837, 1842, 1845, and 1852

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1807, 1816, 1817, 1827, 1832, 1837, 1842, 1845, and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1807, 1816, 1817, 1827, 1832, 1837, 1842, 1845, and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1807—ACQUISITION PLANNING

1807.105 [Amended]

2. In section 1807.105, the designated paragraph (b)(19) is redesignated as paragraph (b)(20).

1807.7205 [Amended]

3. Section 1807.7205 is revised to read as follows:

1807.7205 Public availability.

The annual forecast and semiannual update are available on the NASA Acquisition Internet Service (<http://www.hq.nasa.gov/office/procurement/>).

PART 1816—TYPES OF CONTRACTS

1816.402-270 [Amended]

4. In paragraph (a) to section 1816.402-270, the phrase "total estimated cost and fee" is revised to read "total value (including options)".

1816.404 [Added]

5. Section 1816.404 is added to read as follows:

1816.404 Fixed-price contracts with award fees.

Section 1816.405-2 applies to the use of FPAF contracts as if they were CPAF contracts. However, neither base fee (see 1816.405-271) nor evaluation of cost control (see 1816.405-274) apply to FPAF contracts.

1816.406-70 [Amended]

6. In paragraph (a) to section 1816.406-70, the phrase "a cost-plus-award-fee" is revised to read "an award-fee".

7. In paragraph (b) to section 1816.406-70, the phrase "a cost-plus-award-fee" is revised to read "an award-fee", and the following sentence is added to the end of the paragraph:

"When the clause is used in a fixed-price award fee contract, it shall be modified by deleting references to base fee in paragraphs (a), and by deleting paragraph (c)(1), the last sentence of (c)(4), and the first sentence of (c)(5)."

8. In paragraph (e) to section 1816.406-70, the phrase "cost-plus-award-fee" is revised to read "an award-fee", and the following sentence is added to the end of the paragraph:

"When the clause is used in a fixed-price award fee contract, it shall be modified to delete references to base fee and to reflect the contract type."

PART 1817—SPECIAL CONTRACTING METHODS

1817.503 [Amended]

9. In section 1817.503, the existing paragraph is redesignated as "(2)" and a new paragraph (a) is added to read as follows:

1817.503 Determinations and findings requirements.

(a) See 1817.72 for additional information on interagency transaction requirements.

* * * * *

1817.7001 [Amended]

10. In section 1817.7001, paragraph (a)(1) is redesignated as paragraph (a), and paragraph (a)(2) is removed.

Subpart 1817.72—[Added]

11. Subpart 1817.72 is added to read as follows:

Subpart 1817.72—Interagency Transactions

1817.7201 Policy.

(a) Although the Space Act provides interagency transaction authority nearly equivalent to the Economy Act, NASA has elected to conform its implementation of the Space Act to the requirements of the Economy Act.