

*E. Steps Taken To Minimize Significant Economic Burden on Small Entities, and Significant Alternatives Considered*

13. This *Report and Order* promulgates no new rules or policies that would effect small business concerns. The policies it does advance, however, should positively impact the effectiveness and efficiency of Comsat Corporation, the only business entity effected.

*F. Report to Congress*

14. The Commission shall send a copy of this *Report and Order*, including the status of the FRFA in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A). Since this *Report and Order* promulgates no new rules and does not affect the IRFA in the *Comsat Non-Dominant Order and NPRM*, it is not necessary to publish an FRFA in the **Federal Register**.

**Ordering Clauses**

15. Accordingly, *it is ordered*, that Comsat Corporation's proposal in IB Docket 98-60, to establish an alternative incentive-based price regulation in lieu of rate of return regulation in "non-competitive" INTELSAT service markets for the provision of switched-voice, private line, and occasional-use video, is granted, to the extent indicated herein, and Comsat shall be subject to an alternative incentive-based price regulation in the markets for which it remains dominant, as described in this *Report and Order*.

16. *It is further ordered*, pursuant to authority contained in sections 4(i), 201(b), and 203-205 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 201(b), and 203-205, respectively, and sections 201(c)(5), 201(c)(11), and 401 of the Communications Satellite Act, as amended, 47 U.S.C. 721(c)(5), 721(c)(11), and 741, respectively, we adopt the incentive-based price regulation to the extent indicated herein.

17. *It is further ordered*, that the International Bureau shall have delegated authority to approve petitions from Comsat to redefine any markets served by Comsat from a dominant to a non-dominant status.

18. Comsat Corporation is afforded 30 days from the date of release of this *Report and Order* to decline the alternative incentive-based price regulation as specified herein. Failure to respond within this period will constitute formal acceptance of the requirements in this *Report and Order*.

**List of Subjects**

47 CFR Part 25

Satellites communication.

47 CFR Part 61

Tariffs.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 99-7253 Filed 3-24-99; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

47 CFR Part 73

[MM Docket No.97-45, RM-8961]

**Radio Broadcasting Services; Tylertown, MS.**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document denies a Petition for Reconsideration and Motion for Stay filed by Guaranty Broadcasting Corporation directed to the *Report and Order* in this proceeding. See 63 FR 3833, published January 27, 1998. The *Report and Order* had allotted Channel 297A to Tylertown, Mississippi. With this action the proceeding is terminated.

**EFFECTIVE DATE:** March 25, 1999.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau (202) 418-2177.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket No.97-45, adopted March 10, 1999, and released March 19, 1999. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3805, 1231 M Street, NW, Washington, D.C. 20036.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**Charles W. Logan,**

*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 99-7305 Filed 3-24-99; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**48 CFR Parts 203 and 252**

[DFARS Case 97-D020]

**Defense Federal Acquisition Regulation Supplement; Employment Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies**

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

**SUMMARY:** The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to expand the list of positions in which contractors may not allow persons convicted of fraud or other defense-contract-related felonies to serve, and to provide that the period of such a prohibition on service may exceed 5 years.

**EFFECTIVE DATE:** March 25, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Michael Pelkey, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 97-D020.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

This final rule amends DFARS 203.570-2 and 252.203-7001 to expand the list of positions in which a person convicted of a felony arising out of a DoD contract may not serve, and to provide that the period of such a prohibition on service may exceed 5 years.

A proposed rule with request for comments was published in the **Federal Register** on October 2, 1997 (62 FR 51623). Two sources submitted comments on the proposed rule. All comments were considered in the development of the final rule.

**B. Regulatory Flexibility Act**

DoD certifies that this final rule will not 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 the rule applies only to the employment of persons convicted of a felony arising out of a DoD contract.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval

of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

### List of Subjects in 48 CFR Parts 203 and 252

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulation Council.*

Therefore, 48 CFR Parts 203 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 203 and 252 continue to read as follows:

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

### PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

2. Section 203.570 is revised to read as follows:

**203.570 Prohibition on persons convicted of frauds or other defense-contract-related felonies.**

#### 203.570-2 Policy.

(a) A contractor or subcontractor shall not knowingly allow a person, convicted after September 29, 1988, of fraud or any other felony arising out of a contract with the DoD, to serve—

(1) In a management or supervisory capacity on any DoD contract or first-tier subcontract;

(2) On its board of directors;

(3) As a consultant, agent, or representative; or

(4) In any capacity with the authority to influence, advise, or control the decisions of any DoD contractor or subcontractor with regard to any DoD contract or first-tier subcontract.

(b) DoD has sole responsibility for determining the period of the prohibition described in paragraph (a) of this subsection. The prohibition period—

(1) Shall not be less than 5 years from the date of conviction unless the agency head or a designee grants a waiver in the interest of national security; and

(2) May be more than 5 years from the date of conviction if the agency head or a designee makes a written determination of the need for the longer period. The agency shall provide a copy of the determination to the Bureau of Justice Assistance, U.S. Department of Justice, 810 Seventh Street, NW, Washington, DC 20531.

4. Section 203.570-5 is revised to read as follows:

#### 203.570-5 Contract clause.

Use the clause at 252.203-7001, Prohibition on Persons Convicted of Fraud or Other Defense-Contract-

Related Felonies, in all solicitations and contracts exceeding the simplified acquisition threshold, except solicitations and contracts for commercial items.

### PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. Section 252.203-7001 is amended by revising the section heading, clause title and date, and paragraphs (b) and (c); in paragraphs (a)(1)(i) and (ii) by removing the comma and adding in its place a semicolon; in paragraph (d) introductory text by removing the word "further"; in paragraph (f) introductory text by removing the word "prohibitions" and adding in its place the word "prohibition"; in paragraph (f)(3) by removing the comma; and in paragraph (h) by adding, before the word "Benefits", the word "Federal". The revised text reads as follows:

**252.203-7001 Prohibition on persons convicted of fraud or other defense-contract-related felonies.**

\* \* \* \* \*

PROHIBITION ON PERSONS CONVICTED OF FRAUD OR OTHER DEFENSE-CONTRACT-RELATED FELONIES (MARCH 1999)

\* \* \* \* \*

(b) Any individual who is convicted after September 29, 1988, of fraud or any other felony arising out of a contract with the DoD is prohibited from serving—

(1) In a management or supervisory capacity on any DoD contract or first-tier subcontract;

(2) On the board of directors of any DoD contractor or first-tier subcontractor;

(3) As a consultant, agent, or representative for any DoD contractor or first-tier subcontractor; or

(4) In any other capacity with the authority to influence, advise, or control the decisions of any DoD contractor or subcontractor with regard to any DoD contract or first-tier subcontract.

(c) Unless waived, the prohibition in paragraph (b) of this clause applies for not less than 5 years from the date of conviction.

\* \* \* \* \*

[FR Doc. 99-7135 Filed 3-24-99; 8:45 am]

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### DEPARTMENT OF DEFENSE

#### 48 CFR Parts 211 and 252

[DFARS Case 97-D014]

#### Defense Federal Acquisition Regulation Supplement; Single Process Initiative

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to facilitate the use of management and manufacturing processes that DoD has accepted under the Single Process Initiative (SPI). SPI provides for industry submission and DoD review of alternatives to military and Federal specifications and standards.

**EFFECTIVE DATE:** March 25, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. Rick Laysner, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 97-D014.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

This rule amends DFARS 211.273-2, 211.273-3, and 252.211-7005 to finalize the interim rule that was published in the **Federal Register** on August 20, 1997 (62 FR 44223), with a request for comments. Four sources submitted comments on the interim rule. All comments were considered in the development of the final rule.

The final rule differs from the interim rule in that it clarifies that an SPI management council includes contractor representation in addition to DoD representation; provides that, before offers are due, offerors may obtain verification that an SPI process is acceptable for a particular procurement; provides an Internet site where accepted SPI processes are listed; and clarifies documentation requirements for offerors proposing to the use SPI processes.

##### B. Regulatory Flexibility Act

DoD certifies that this final rule will not 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 industry participation in the DoD Single Process Initiative is voluntary. Approximately 310 contractors are involved in the initiative. It is estimated that 10 percent of those contractors are small businesses.

##### C. Paperwork Reduction Act

The Office of Management and Budget has approved the information collection requirements associated with this rule under OMB Control Number 0704-0398, for use through January 31, 2001.