

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.

[FR Doc. 97-28759 Filed 10-29-97; 8:45 am]

BILLING CODE 6712-01-P-M

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 This URL is outdated and is corrected.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.

Therefore, unless exempt from the Economy Act for reasons other than the general authority of the Space Act, interagency acquisitions shall be supported by a Determination and Findings equivalent to that required for Economy Act transactions (see FAR 17.503 and 1817.503). This requirement applies to all purchases of goods or services under contracts entered into or administered by the Military Departments or other agencies. The Space Act may be cited as authority for a transaction where appropriate, but that does not provide relief from this D&F requirement.

(b) The determination described in paragraph (a) of this section is not required for contracts awarded under the Space Act to Government agencies pursuant to a Broad Agency Announcement when a review of the acquisition records would make it obvious that the award is not being used as a method of circumventing regulatory or statutory requirements, particularly FAR part 6, Competition Requirements (e.g., when a significant number and value of awards made under the BAA are made to entities other than Government agencies).

PART 1827—PATENTS, DATA, AND COPYRIGHTS

1827.301 [Amended]

12. In section 1827.301, the definition of "Reportable item" is amended by inserting the phrase "in the performance of any work under any NASA contract or" after the word "made".

1827.303-70 [Amended]

13. In 1827.303-70(b)(6), the reference "subparagraphs (a) through (e) of this paragraph" is revised to read "paragraphs (b)(1) through (5) of this section".

PART 1832—CONTRACT FINANCING

1832.412 [Amended]

14. In section 1832.412, paragraph (f) is redesignated as paragraph (f)(1), and a new paragraph (f)(2) is added to read as follows:

1832.412 Contract clause. (NASA supplements paragraphs (a), (e) and (f)).

* * * * *

(f)(1) * * *

(f) *Requirements for payment.* * * *

(2) When FAR clause 52.232-12, Advance Payments, is used with its Alternate V, the contracting officer shall modify Alternate V of the clause at FAR 52.232-12 by substituting the following for paragraph (b). Annotate the clause

title by adding "as modified by NASA (Oct 1997)."

"(b) *Use of funds.* The Contractor may use advance payment funds only to pay for properly allocable, allowable, and reasonable costs for direct materials, direct labor, indirect costs, or such other costs approved in writing by the administering contracting office. Payments are subject to any restrictions in other clauses of this contract. Determinations of whether costs are properly allocable, allowable, and reasonable shall be in accordance with generally accepted accounting principles, subject to any applicable subparts of part 31 of the Federal Acquisition Regulation or other applicable regulations referenced in part 31."

PART 1837—SERVICE CONTRACTING

1837.110-70 [Amended]

15. In section 1837.110-70, paragraph (c) is removed.

PART 1842—CONTRACT ADMINISTRATION

1842.803 [Amended]

16. In section 1842.803, a new paragraph (b)(1)(D) is added to read as follows:

1842.803 Disallowing costs after incurrence. (NASA supplements paragraph (b))

(b) * * *

(1) * * *

(D) Authorizing direct submission of interim vouchers for provisional payment to disbursing offices for contractors with approved billing systems.

* * * * *

PART 1845—GOVERNMENT PROPERTY

1845.7101-3 [Amended]

17. In section 1845.7101-3, a sentence is added to the end of paragraph (b) to read as follows:

1845.7101-3 Computing costs of fabricated special tooling, special test equipment, agency-peculiar property, and contract work in process.

(a) * * *

(b) * * * In addition, fees paid by the Government to the contractor associated with the fabrication of Government property shall be included in the values reported on NF 1018 to enable NASA to properly reflect the total cost of property on its financial statements.

* * * * *

1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1852.216-87 [Amended]

18. Section 1852.216-87 is amended by adding new paragraph (b)(4) and

revising the clause date to read as follows:

1852.216-87 Submission of Vouchers for Payment.

As prescribed in 1816.307-70(e), insert the following clause:

SUBMISSION OF VOUCHERS FOR PAYMENT OCTOBER 1997

* * * * *

(b) * * *

(4) For any period that the Defense Contract Audit Agency has authorized the Contractor to submit interim vouchers directly to the Government paying office, interim vouchers are not required to be sent to the Auditor, and are considered to be provisionally approved for payment, subject to final audit.

* * * * *

1852.237-72 [Removed]

19. Section 1852.237-72 is removed.

[FR Doc. 97-28636 Filed 10-29-97; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961126334-7025-02; I.D. 102497C]

Fisheries of the Exclusive Economic Zone Off Alaska, Pacific Cod in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the allocation of Pacific cod total allowable catch (TAC) for processing by the inshore component in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 27, 1997, until 2400 hrs, A.l.t., December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907-486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management