

include a concise summary of the substantive arguments raised in the pleading.

Parties are also asked to submit comments on diskette. Diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Sheryl Todd at 2100 M Street, N.W., Room 8611, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette in an IBM compatible format using WordPerfect 5.1 for Windows software in a "read only" mode. The diskette should be accompanied by a cover letter. For further information concerning this proceeding, contact Sheryl Todd, Accounting and Audits Division, Common Carrier Bureau at 202-418-7400.

III. Ordering Clauses

It is further ordered, pursuant to sections 1-4, 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, and 254 that notice is hereby given of proposed amendments to parts 64 and 54 of the Commission's Rules, 47 CFR parts 64 and 54, as described in the further notice of proposed rulemaking in CC Docket No. 97-21 and comments are requested as described above.

List of Subjects

47 CFR part 54

Universal service.

47 CFR part 64

Communications common carriers.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Rule Changes

Parts 54 and 64 of title 47 of the Code of Federal Regulations are proposed to be amended as follows:

PART 54—UNIVERSAL SERVICE

1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. Secs. 1, 4(i), 201, 214, and 254, unless otherwise noted.

2. Section 54.711 is proposed to be amended by revising paragraph (b) to read as follows:

Section 54.711 Contributor reporting requirements.

* * * * *

(b) The Commission shall have access to all data reported to the Administrator, Schools and Libraries Corporation, and Rural Health Care Corporation. Contributors may make requests for

Commission nondisclosure of company-specific information under § 0.459 of this chapter at the time that the subject data are submitted to the Administrator. The Commission shall make all decisions regarding nondisclosure of company-specific information. The Administrator, Schools and Libraries Corporation, and Rural Health Care Corporation shall keep confidential all data obtained from contributors, including all data obtained from the Administrator of the Telecommunications Relay Service Fund, shall not use such data except for purposes of administering the universal service support programs, and shall not disclose such data in company-specific form unless directed to do so by the Commission.

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PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

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

Authority: 47 U.S.C. Sec. 154 unless otherwise noted.

2. Section 64.604 is amended by revising paragraph (c)(4)(iii)(I) to read as follows:

Section 64.604 Mandatory minimum standards.

* * * * *

(c) * * *

(4) * * *

(iii) * * *

(I) *Information filed with the administrator.* The administrator shall keep all data obtained from contributors and TRS providers confidential and shall not disclose such data in company-specific form unless directed to do so by the Commission. The administrator shall not use such data except for purposes of administering the TRS Fund, enabling the universal service Administrator to verify revenue information provided by contributors to the universal service support mechanisms, calculating the regulatory fees of interstate common carriers, and aggregating such fee payments for submission to the Commission. The Commission shall have access to all data reported to the administrator, and authority to audit TRS providers.

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BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-193, RM-9125]

Radio Broadcasting Services; Kaunakakai, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Native Hawaiian Broadcasting seeking the allotment of FM Channel 272C to Kaunakakai, Hawaii, as that community's first local aural transmission service. Coordinates used for this proposal are 21-05-30 and 157-01-24.

DATES: Comments must be filed on or before October 20, 1997, and reply comments on or before November 4, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dan J. Alpert, Esq., The Law Office of Dan J. Alpert, 2120 N. 21st Rd., Suite 400, Arlington, VA 22201.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-193, adopted August 20, 1997, and released August 29, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

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DEPARTMENT OF DEFENSE

48 CFR Parts 212, 225, and 252

[DFARS Case 7-D022]

Defense Federal Acquisition Regulation Supplement; Buy American Act Exception for Information Technology Products

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the determination by the Under Secretary of Defense (Acquisition & Technology) that it is not in the public interest to apply the restrictions of the Buy American Act to U.S. made information technology products, in acquisition subject to the Trade Agreements Act.

DATES: Comment date: Comments on the proposed rule should be submitted in writing to the address shown below on or before November 10, 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. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 97-D022 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

Background

This proposed rule adds a provision at DFARS 252.225-7020, Trade Agreements Certificate, and a clause at DFARS 252.225-7021, Trade Agreements, and makes other necessary amendments in DFARS Parts 212 and 225 to implement the determination, signed by the Under Secretary of

Defense (Acquisition & Technology) (USD (A&T)) on May 16, 1997, that it is not in the public interest, in acquisitions subject to the Trade Agreements Act, to apply the restrictions of the Buy American Act to U.S. made information technology products in Federal Supply Group 70 or 74. Federal Supply Group 70 includes general purpose automatic data processing equipment, software (including firmware), supplies, and support equipment. Federal Supply Group 74 includes office machines and visible record equipment.

In the determination and finding, USD (A&T) explains how the different rules of origin under the Trade Agreements Act and the Buy American Act result in evaluating products substantially transformed in the United States less favorably than if the product were substantially transformed in an eligible country. UDS (A&T) also finds that the different rules of origin place a disproportionately burdensome recordkeeping requirement on United States firms offering information technology products. Because manufacturers of information technology products commonly use worldwide sources for components, requiring manufacturers to distinguish between foreign and domestic components represents a significant deterrent to the acquisition of both commercial and state-of-the-art information technology products by DoD.

Regarding the certification requirements of this rule, for acquisition of information technology products subject to the Trade Agreements Act, the certification requirement in paragraph (c) of the proposed provision at 252.225-7020, Trade Agreements Certificate, replaces and simplifies the existing certification requirement in paragraph (c) of the provision at DFARS 252.225-7006, Buy American Act—Trade Agreements—Balance of Payments Program Certificate. Therefore, for the purposes of Section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425), this rule does not impose a new certification requirement.

B. Regulatory Flexibility Act

This rule may 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. An Initial Regulatory Flexibility Analysis has been prepared and is summarized as follows: The rule will apply to all offerors/contractors offering information technology products in Federal Supply

Group 70 or 74 to DoD, in acquisitions valued at \$190,000 or more. The rule will particularly benefit offerors of U.S. made information technology end products that do not qualify as domestic end products. However, suppliers of domestic information technology products will also benefit to the extent that they no longer need to track the source of components. The rule will also affect suppliers of components for such information technology products, to the extent that suppliers of domestic components may face increased competition from suppliers of foreign components.

With regard to the provision at 252.225-7003, Information for Duty-Free Entry Evaluation, the rule will have a positive impact on small entities, because the rule prescribes use of the provision in solicitation that include the clause FAR 52.225-10, Duty-Free Entry, rather than all solicitations that include the clause at 252.225-7001, Buy American Act and Balance of Payments Program. This will reduce the number of respondents by about 100,000, of which it is estimated that 35 percent may be small businesses, as it is generally the acquisitions of less than \$100,000 that will no longer include the provision. In addition, responses to the questions in paragraph (b) of the provision are no longer required for eligible products under a trade agreement, or for nonqualifying country components of domestic end products (U.S. made end products if Alternate I is used) unless the offeror plans to request duty-free entry.

A copy of the Initial Regulatory Flexibility Analysis may be obtained from the address specified herein. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 97-D022 in correspondence.

C. Paperwork Reduction Act

This rule will result in a reduction of paperwork burden on offerors. The existing certification requirement at DFARS 252.225-7006, Buy American Act—Trade Agreements—Balance of Payments Program Certificate, has an approved information collection requirement under Office of Management and Budget (OMB) Clearance Number 0704-0259. This rule creates a certificate for use when the Trade Agreements Act, but neither the Buy American Act nor the Balance of Payments Program, applies. This