

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 61**

[CC Docket No. 93-197, FCC 95-18]

Revisions to Price Cap Rules for AT&T Corp.**AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: This action is taken to remove commercial service from price cap regulation. The Commission feels that there is sufficient evidence to conclude that American Telephone and Telegraph's (AT&T's) commercial long distance services are subject to substantial competition. It is intended that this action will provide streamlined regulation for commercial service.

EFFECTIVE DATE: February 23, 1995.**FOR FURTHER INFORMATION CONTACT:** Suzan Friedman, (202) 418-1530.

SUPPLEMENTARY INFORMATION: On January 12, 1995, the Commission adopted and released a Report and Order in CC Docket No. 93-197 revising the Commission's Rules on Price Cap rules for AT&T. This Order removes commercial services from price cap regulation and initiates streamlined regulation for those services. The commercial services classification was created by AT&T pursuant to Section 201(b) of the Communications Act. It permits the creation of specific classifications of services, including commercial. Commercial services refers to services used by AT&T's customers who are classified as business, as opposed to residential customers by local telephone companies.

The full text of this item is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 61

Communications common carriers, Reporting and recordkeeping requirements, Telegraph, Telephone.

Federal Communications Commission.

William F. Caton,*Acting Secretary.***Amendment to the Commission's Rules**

Part 61 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 61—TARIFFS

1. The authority citation for Part 61 continues to read as follows:

Authority: Sec. 4, Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 203, 48 Stat. 1070; 47 U.S.C. 203.

2. In § 61.42, paragraphs (a)(1) and (b)(1) are amended by removing the words "and small business" and paragraph (c) is amended by redesignating paragraph (c)(17) as paragraph (c)(18) and adding a new paragraph (c)(17) to read as follows:

§ 61.42 Price cap baskets and service categories.

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(c) * * *

(17) Commercial services.

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[FR Doc. 95-1713 Filed 1-23-95; 8:45 am]

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DEPARTMENT OF DEFENSE**48 CFR Part 235****Defense Federal Acquisition Regulation Supplement; Manufacturing Science and Technology Program****AGENCIES:** Department of Defense (DoD).**ACTION:** Interim rule with request for comments.

SUMMARY: The Department of Defense is revising the Defense FAR Supplement to require competition and cost-sharing for acquisitions under the Manufacturing Science and Technology Program.

DATES: Effective date: January 17, 1995.

Comment date: Comments on the interim rule should be submitted in writing at the address shown below on or before March 27, 1995, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulation Council, ATTN: Mr. Richard G. Layser, PDUSD(A&T)DP/DAR, IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax Number (703) 602-0350. Please cite DFARS Case 94-D307 in all correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Layser, (703) 602-0131.**SUPPLEMENTARY INFORMATION:****A. Background**

Section 256 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) requires that competitive procedures be used in awarding contracts under the Manufacturing arrangement be used unless an alternative is approved by the Secretary of Defense. This interim DFARS rule implements these requirements.

B. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Compelling reasons exist to promulgate this rule without prior opportunity for public comment because Section 256 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) became effective upon enactment of the Act, October 5, 1994. This interim rule is necessary to ensure that DoD contracting activities become aware of the statutory requirement for competition and cost-sharing arrangements when awarding contracts under the Manufacturing Science and Technology Program. However, comments received in response to the publication of this rule will be considered in formulating the final rule.

C. Regulatory Flexibility Act

The interim rule is not expected to 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 only applies to acquisitions under the Manufacturing Science and Technology Program. In the past, small entities have not participated in any substantial numbers. This rule is not expected to change small entities participation. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 94-D307 in correspondence.

D. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) does not apply because this final rule does not impose any new recordkeeping, information collection requirements, or collection of information from offerors, contractors, or members of the public which require

the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 235

Government procurement.

Claudia L. Naugle,

Deputy Director, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 235 is amended as follows:

1. The authority citation for part 235 is revised to read as follows:

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

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

2. Section 235.006 is amended by adding paragraphs (a) and (b)(iv) to read as follows:

235.006 Contracting methods and contract type.

(a) All contracts under the Manufacturing Science and Technology Program shall be awarded using competitive procedures (10 U.S.C. 2525). (See DoDD 5000.2, Defense Acquisition Management Policies and Procedures and DoDI 4200.15, Manufacturing Technology Program.)

(b) * * *

(iv) A cost-sharing arrangement must be used for contracts awarded in

support of the Manufacturing Science and Technology Program, unless an alternative is approved by the Secretary of Defense (10 U.S.C. 2525). Approval by the Secretary of Defense to use other than a cost-sharing arrangement for the Manufacturing Science and Technology Program must be based on a determination that the technology—

(A) Is not likely to have any immediate and direct commercial application; or

(B) Is of sufficiently high risk to discourage cost sharing by non-Federal Government sources. (See DoDI 4200.15, Manufacturing Technology Program, and FAR 16.303.)

[FR Doc. 95-1604 Filed 1-23-95; 8:45 am]

BILLING CODE 3810-01-M