

been approved by the Office of Management and Budget under control numbers 2900-0465 and 2900-0156, respectively.)

[FR Doc. 98-7648 Filed 3-23-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 101

[WT Docket No. 94-148 and CC Docket No. 93-2; DA 98-349]

Conditional Authorization Authority to Common Carrier and Private Operational Fixed Microwave Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects portions of the Supplementary Information that was published in the **Federal Register** of March 5, 1998 (63 FR 10778).

EFFECTIVE DATE: March 24, 1998.

FOR FURTHER INFORMATION CONTACT: Shaun Maher of the Commission's Wireless Telecommunications Bureau at (202) 418-0680.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document amending § 101.31(e) of the Commission's rules to provide for conditional authorization in the 10.6-10.68 GHz band ("10 GHz band") under certain circumstances in the **Federal Register** of March 5, 1998, (63 FR 10778). This document corrects the Supplementary Information to give a brief statement of the reasons for expediting the effective date of § 101.31(e). In FR Doc. 98-5465, published on March 5, 1998, (63 FR 10778) make the following correction:

On page 10779, a new paragraph 5 is added and paragraphs 5 and 6 are redesignated as 6 and 7 to read as follows:

5. We believe that the public interest will be served by permitting microwave licensees in the 10 GHz band to avail themselves of conditional authorization authority at the earliest opportunity. Our decision here will allow for more rapid delivery of 10 GHz band microwave services to the marketplace. Because this rule modification will make the authorization process less restrictive, we, for good cause find that public notice and comment are unnecessary and contrary to the public interest. We also believe that 30-day advance publication of this amendment is likewise unnecessary and contrary to

the public interest. Thus, we shall make this amendment effective upon publication of this Order in the **Federal Register**. In addition, entities with 10 GHz band applications pending when this Order becomes effective may implement conditional authorization authority in accordance with Section 101.31 as amended herein.

List of Subjects in 47 CFR Part 101

Communications equipment, Radio.

Federal Communications Commission.

Daniel B. Phythyon,

Chief, Wireless Telecommunications Bureau.

Richard M. Smith,

Chief, Office of Engineering and Technology.

[FR Doc. 98-7511 Filed 3-23-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 101

[CC Docket No. 92-297; FCC 98-15]

Reconsideration of the Rules and Policies for Local Multipoint Distribution Service; Correction.

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission published in the **Federal Register** on February 25, 1998, a Third Order on Reconsideration (Third Reconsideration Order) in the Local Multipoint Distribution Service (LMDS) proceeding. The final rules included a date by which certain dismissed applications are permitted to be refiled. The date inadvertently was miscalculated and was misstated in various sections of the rules. This document corrects the date in the final rules.

EFFECTIVE DATE: March 24, 1998.

FOR FURTHER INFORMATION CONTACT: Barbara Reideler or Jay Whaley, 202-418-1310.

SUPPLEMENTARY INFORMATION: The Commission published a Third Reconsideration Order in the **Federal Register** on February 25, 1998 (63 FR 9443, FR Doc. 98-4750), to be effective on April 27, 1998. The final rules included a date by which certain dismissed applications are permitted to be refiled under the terms and conditions of the Third Reconsideration Order. The date inadvertently was calculated as of 60 days from publication in the **Federal Register**, rather than 60 days from the effective date of the Third Reconsideration Order, which was the date adopted by the

Commission in the Third Reconsideration Order. The incorrect date was published in several sections of the final rules. This document corrects the final rules to conform the date with the Third Reconsideration Order, thereby changing the date from April 27, 1998, to June 26, 1998.

On page 9448, in the final rules, correct the references to April 27, 1998, to read June 26, 1998, as follows:

1. Column 1, § 101.57, paragraph (a)(1)(ii)(B), line 4.
2. Column 2, § 101.103, paragraph (b)(3), line 4.
3. Column 2, § 101.107, paragraph (a), footnote 8, line 5.
4. Column 2, § 101.113, paragraph (a), footnote 8, line 5.
5. Column 3, § 101.147, paragraph (a), footnote 16, line 5.
6. Column 3, § 101.147, introductory text of paragraph (u), line 10.
7. Column 3, § 101.803, paragraph (a), footnote 7, lines 5 and 11.
8. Column 3, § 101.803, paragraph (d), footnote 9, lines 5 and 11.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-7510 Filed 3-23-98; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1832 and 1852

Contract Financing

AGENCY: Office of Procurement, Contract Management Division, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This final rule revises several subparts in NASA's Federal Acquisition Regulation Supplement (NFS). This rule updates the designated points of responsibility to reflect the transfer of the finance policy function within the Headquarters Office of Procurement. This rule also provides clarification to ease the use of the NFS and reflects the extension of certain Agency class deviations.

EFFECTIVE DATE: March 24, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Le Cren, Telephone: (202) 358-0444.

SUPPLEMENTARY INFORMATION:

Background

The NASA Office of Procurement has undergone reorganization, resulting in the transfer of the policy responsibility

for contract financing from the Analysis Division (HC) to the Contract Management Division (HK). This rule revises the NFS to reflect this transfer of responsibility. Also, the coverage at 1832.412 concerning the FAR Advance Payments clause was found to be difficult to follow. The revision of that section and the creation of NASA clause 1852.232-70 are aimed at providing greater clarity as to the modifications that should be made to the FAR clause. That clause also clarifies that Standard Form 272 and 272-A are to be submitted with the other information enumerated in the FAR 52.232-12 clause and its Alternate V, and that those forms are not just the means by which that information is to be submitted. In addition, the Small Business Technology Transfer (STTR) program was extended by Congress through September 30, 2001. This rule reflects the extension of the advance payments and incremental funding class deviations for that program to coincide with the period of Congress' extension.

Impact

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

List of Subjects in 48 CFR Parts 1832 and 1852

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR 1832 and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1832 and 1852 continues to read as follows:

Authority: 42 U.S.C. 2743(c)(1).

PART 1832—CONTRACT FINANCING

1832.402 [Amended]

2. In section 1832.402, paragraph (e)(1) is revised to read as follows:

1832.402 General. (NASA supplements paragraph (e))

(e)(1) The Director of the Headquarters Office of Procurement Contract Management Division (Code HK) is the approval authority for all advance payments except the following:

(A) The procurement officer is the approval authority for non-fee bearing contracts with domestic entities when the cumulative contract value is \$25,000,000 or less, and for all increases

to such contracts over \$25,000,000 previously approved by the Headquarters Office of Procurement as long as the advance payment amount outstanding at any time is not increased.

(B) The contracting officer is the approval authority for the following actions. In these cases, a findings and determination (see FAR 32.410) is not required.

(a) Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Phase I contracts. A class deviation has been signed, effective through September 30, 2000 (for SBIRs) and September 30, 2001 (for STTRs), authorizing use of advance payments on these contracts. The contracting officer shall annotate the contract file that the deviation is on file at the NASA Headquarters Office of Procurement (Code HK).

(b) Expendable launch vehicle (ELV) service contracts. 42 U.S.C. 2459c authorizes advance payments for these contracts. The contracting officer shall document the contract file with the rationale for approving the use of advance payments.

* * * * *

1832.412 [Amended]

3. Section 1832.412 is revised to read as follows:

1832.412 Contract clause. (NASA supplement paragraphs (e) and (f))

(e) The contracting officer shall use Alternates IV and V when advance payments are provided on Phase I contracts of the Small Business Innovation Research (SBIR) or Small Business Technology Transfer (STTR) programs.

(f) See 1832.412(e).

1832.412-70 [Added]

4. Section 1832.412-70 is added to read as follows:

1832.412-70 NASA Contract clauses.

When the clause at FAR 52.232-12 or its Alternates II or V are used, insert the clause at 1852.232-70, NASA Modification of FAR 52.232-12.

1832.501-2 [Amended]

5. Section 1832.501-2 is revised to read as follows:

1832.501-2 Unusual progress payments.

The Director of the Headquarters Office of Procurement Contract Management Division (Code HK) is the approval authority for the use of unusual progress payments.

1832.502-2 [Amended]

6. Section 1832.502-2 is revised to read as follows:

1832.502-2 Contract finance office clearance.

The Director of the Headquarters Office of Procurement Contract Management Division (Code HK) is the approval authority for the actions at FAR 32.502-2, except the Associate Administrator for Procurement (Code HK) is the approval authority for any deviations addressed in FAR 32.502-2(b).

1832.702-70 [Amended]

7. In section 1832.702-70, paragraph (e) is revised to read as follows:

1832.702-70 NASA policy.

* * * * *

(e) A class deviation from the conditions set forth in paragraphs 1832.702-70 (a), (b) and (c) exists to permit incremental funding of contracts under Phase II of the Small Business Innovation Research (SBIR) Program (through September 30, 2000) and Phase II of the Small Business Technology Transfer (STTR) program (through September 30, 2001). This deviation exists with the understanding that the contracts will be fully funded when funds become available.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1852.232-70 [Added]

8. Section 1852.232-70 is added to read as follows:

1852.232-70 NASA Modification of FAR 52.232-12.

As prescribed at 1832.412-70, make the following modifications:

NASA Modification of FAR 52.232-12, March 1998

(a) Basic Clause. (1) In paragraph (e), Maximum Payment, in the sentence that begins "When the sum of," change the word "When" to lower case and insert before it: "Unliquidated advance payments shall not exceed \$___ at any time outstanding. In addition. * * *."

(2) In paragraph (m)(1), delete "in the form prescribed by the administering office" and substitute "and Standard Form 272, Federal Cash Transactions Report, and, if appropriate, Standard Form 272-A, Federal Cash Transactions Report Continuation."

(b) Alternate II (if incorporated in the contract). In paragraph (e), Maximum Payment, in the sentence that begins "When the sum of," change the word "When" to lower case and insert before it: "Unliquidated advance payments shall not exceed \$___ at any time outstanding. In addition. * * *."

(c) Alternate V (if incorporated in the contract). (1) Substitute the following for

paragraph (b): "(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, other applicable regulations referenced in Part 31, or subpart 1831.2."

(2) In paragraph (d), Maximum Payment, in the sentence that begins "When the sum of," change the word "When" to lower case and insert before it: "Unliquidated advance payments shall not exceed \$___ at any time outstanding. In addition. * * *."

(3) In paragraph (j)(1), insert between "statements," and "and" "together with Standard Form 272, Federal Cash Transactions Report, and, if appropriate, Standard Form 272-A, Federal Cash Transactions Report Continuation"

(4) If this is a Phase I contract awarded under the SBIR or STTR programs, delete paragraph (a) and substitute the following: "(a) Requirements for payment. Advance payments will be made under this contract upon receipt of invoices from the Contractor. Invoices should be clearly marked "Small Business Innovation Research Contract" or "Small Business Technology Transfer Contract," as appropriate, to expedite payment processing. One-third of the total contract price will be available to be advanced to the contractor immediately after award, another one-third will be advanced three months after award, and the final one-third will be paid upon acceptance by NASA of the Contractor's final report. By law, full payment must be made no later than 12 months after the date that contract requirements are completed. The Contractor shall flow down the terms of this clause to any subcontractor requiring advance payments."

(End of clause)

[FR Doc. 98-7595 Filed 3-23-98; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1833

Revision to the NASA FAR Supplement Coverage on Alternative Dispute Resolution

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NFS) to provide a cross-reference to NASA policy on Alternative Dispute Resolution (ADR).

EFFECTIVE DATE: March 24, 1998.

FOR FURTHER INFORMATION CONTACT: Dave Beck, NASA, Office of Procurement, Contract Management Division (Code HK), (202) 358-0482.

SUPPLEMENTARY INFORMATION:

Background

FAR subpart 33.2 discusses the use of ADR. NASA Policy Directive (NPD) 2010.2, establishes policy on use of ADR techniques by NASA personnel. This rule adds NFS 1833.210 in order to cross-reference NPD 2010.2, which is available at the following internet site: http://nodis.hq.nasa.gov/Library/Directives/NASA-WIDE/Policies/Legal_Policies/N_PD_2010_2A.html.

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.*) because use of alternative dispute resolution procedures is voluntary. Their use is in addition to the traditional dispute resolution procedures which are not changed by this rule. This final rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Part 1833

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement

Accordingly, 48 CFR Part 1833 is amended as follows:

1. The authority citation for 48 CFR Part 1833 continues to read as follows:

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

PART 1833—PROTESTS, DISPUTES, AND APPEALS

Subpart 1833.2—Disputes and Appeals

1833.210 [Added]

2. Section 1833.210 is added to read as follows:

1833.210 Contracting officer's authority.

See NASA Policy Directive 2010.2 on use of Alternative Dispute Resolution.

[FR Doc. 98-7594 Filed 3-23-98; 8:45 am]

BILLING CODE 7510-01-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 199

[Docket No. PS-102; Amendment 199-16]

RIN 2137-AC67

Control of Drug Use and Alcohol Misuse in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Confirmation of effective date of direct final rule.

SUMMARY: This document confirms the effective date of the direct final rule that amends the "Scope and Compliance" section of the Drug Testing Rules to revise the applicability requirement with respect to any operator whose employees are located outside the territory of the United States.

DATES: This document confirms April 15, 1998, as the effective date of the direct final rule published on December 24, 1997.

FOR FURTHER INFORMATION CONTACT: Catrina Pavlik, Drug/Alcohol Program Analyst, Research and Special Programs Administration, Office of Pipeline Safety, Room 2335, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-6199, Fax: (202) 366-4566, e-mail: catrina.pavlik@RSPA.dot.gov. Information is also available on the Office of Pipeline Safety's internet home page at OPS.dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On December 24, 1997, RSPA published a direct final rule (62 FR 67293), titled "Control of Drug Use and Alcohol Misuse in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations." In that publication, RSPA stated that if it did not receive adverse comments by February 23, 1998, it would publish a confirmation notice in the **Federal Register** by March 16, 1998. RSPA received no adverse comments. Therefore, this document confirms that the direct final rule cited above will become effective on April 15, 1998.

Issued in Washington, D.C. on March 16, 1998.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

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