

additional supporting materials with their tariff filings. These proposals may impose additional reporting or recordkeeping requirements on entities. The Commission seeks comment on the possible burden these requirements would place on small entities. Also, the Commission seeks comment on whether a special approach toward any possible compliance burdens on small entities might be appropriate. Entities, especially small businesses, are encouraged to quantify the costs and benefits of any reporting requirement that may be established in this proceeding.

*Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered*

39. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include (among others) the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

40. The Commission's primary objective is to develop a framework for ensuring that rates remain just and reasonable, as required by section 201(b). The Commission seeks comment here on the effect the various proposals described in the Notice will have on small entities, and on what effect alternative rules would have on those entities. The Commission invites comment on ways in which the Commission can achieve its goal of protecting consumers while at the same time imposing minimal burdens on small entities.

*Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules*

41. None.

*Ordering Clauses*

42. Accordingly, *It is ordered*, pursuant to Sections 4(i), 160, 201–204, and 254(g) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 160, 201–204, and 254(g), that this Notice of Proposed Rulemaking is adopted.

43. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference

Information Center, shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

44. *It is further ordered* that pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on this Notice of Proposed Rulemaking on or before December 17, 2007 and reply comments on or before December 31, 2007.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

[FR Doc. E7–22342 Filed 11–14–07; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Part 31

[FAR Case 2006–021; Docket 2007–0001;  
Sequence 10]

RIN: 9000–AK84

#### Federal Acquisition Regulation; FAR Case 2006–021, Post Retirement Benefits (PRB), FAS 106

**AGENCIES:** Department of Defense (DoD),  
General Services Administration (GSA),  
and National Aeronautics and Space  
Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** The Civilian Agency  
Acquisition Council and the Defense  
Acquisition Regulations Council  
(Councils) are proposing to amend the  
Federal Acquisition Regulation (FAR) to  
permit the contractor to measure  
accrued PRB costs using either the  
criteria in Internal Revenue Code (IRC)  
419 or the criteria in Financial  
Accounting Standard (FAS) 106.

**DATES:** Interested parties should submit  
written comments to the FAR  
Secretariat on or before January 14, 2008  
to be considered in the formulation of  
a final rule.

**ADDRESSES:** Submit comments  
identified by FAR case number 2006–  
021 by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>.

• To search for any document, first  
select under “Step 1,” “Documents with

an Open Comment Period” and select  
under “Optional Step 2,” “Federal  
Acquisition Regulation” as the agency  
of choice. Under “Optional Step 3,”  
select “Proposed Rules”. Under  
“Optional Step 4,” from the drop down  
list, select “Document Title” and type  
the FAR Case number “2006–021”.  
Click the “Submit” button. Please  
include your name and company name  
(if any) inside the document. You may  
also search for any document by  
clicking on the “Search for Documents”  
tab at the top of the screen. Select from  
the agency field “Federal Acquisition  
Regulation”, and type “2006–021” in  
the “Document Title” field. Select the  
“Submit” button.

• Fax: 202–501–4067.

• Mail: General Services

Administration, Regulatory Secretariat  
(VIR), 1800 F Street, NW, Room 4035,  
ATTN: Laurieann Duarte, Washington,  
DC 20405.

*Instructions:* Please submit comments  
only and cite FAR case 2006–021 in all  
correspondence related to this case. All  
comments received will be posted  
without change to <http://www.regulations.gov>, including any  
personal and/or business confidential  
information provided.

**FOR FURTHER INFORMATION CONTACT:**

Edward Chambers, Procurement  
Analyst, at (202) 501–3221, for  
clarification of content. For information  
pertaining to status or publication  
schedules, contact the FAR Secretariat  
at (202) 501–4755. Please cite FAR case  
2006–021.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

FAR 31.205–6(o) allows contractors to  
choose among three different accounting  
methods for PRB costs: cash basis,  
terminal funding, and accrual basis.

When the accrual basis is used, the  
FAR currently requires that costs must  
be measured based on the requirements  
of FAS 106.

However, the tax-deductible amount  
that is contributed to the retiree benefit  
trust is determined using IRC 419,  
which has different measurement  
criteria than FAS 106. As a result, the  
FAS 106 amount can often exceed the  
IRC 419 measured costs, and contractors  
that choose to accrue PRB costs for  
Government reimbursement face a  
dilemma: whether to fund the entire  
FAS 106 amount to obtain Government  
reimbursement of the costs, regardless  
of tax implications, or fund only the tax  
deductible amount and not be  
reimbursed for the entire FAS 106  
amount under their Government  
contracts.

The Councils are proposing to amend FAR 31.205-6(o) to alleviate this dilemma. This amendment would provide the contractor an option of measuring accrued PRB costs using criteria based on IRC 419 rather than FAS 106, thereby permitting the contractor to fund the entire tax deductible amount without having a portion disallowed because it did not meet the FAR's current measurement criteria. The Councils note that this amendment will not change the total measured PRB costs, i.e., the total measured PRB costs over the life of the PRB plan would be the same whether the contractor chose to apply the criteria in FAS 106 or IRC 419.

The Councils note that the proposed rule may result in the Government paying higher PRB costs, since under the current rule some contractors may have chosen to fund the IRC amount rather than the full FAS amount in current and future accounting periods. Absent this proposed revision, the resulting difference will be an unallowable cost. However, the Councils are unable to estimate the specific cost impact because the number of contractors who may choose to use the proposed IRC 419 measurement option is unknown. Moreover, the Councils further note that there may be a cost impact if the rule remains unchanged. For example, in lieu of funding the lower IRC amount, contractors could decide to fund the full FAS amount (and forego the tax benefit), change from accrual to pay-as-you go accounting, or terminate their PRB plans rather than fund amounts that are not tax deductible.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**B. Regulatory Flexibility Act**

The Councils do not expect this proposed rule 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 most small entities do not accrue PRB costs for Government contract costing purposes.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously

approved under OMB Control Number 9000-0013.

**List of Subjects in 48 CFR Part 31**

Government procurement.

Dated: October 24, 2007

**Al Matera,**

*Director, Office of Acquisition Policy.*

Therefore, DoD, GSA, and NASA propose amending 48 CFR part 31 as set forth below:

1. The authority citation for 48 CFR part 31 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

**PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES**

2. Amend section 31.205-6 by revising paragraphs (o)(2)(iii)(A) and (B) to read as follows:

**31.205-6 Compensation for personal services.**

\* \* \* \* \*

(o) \* \* \*

(2) \* \* \*

(iii) \* \* \*

(A) Measured and assigned in accordance with—

(1) Generally accepted accounting principles. However, the portion of PRB costs attributable to the transition obligation assigned to the current year that is in excess of the amount assignable under the delayed recognition methodology described in paragraphs 112 and 113 of Financial Accounting Standards Board Statement 106 is unallowable. The transition obligation is defined in Statement 106, paragraph 110; or

(2) The costs shall—

(i) Be measured using reasonable actuarial assumptions, which may include a healthcare inflation assumption;

(ii) Be assigned to accounting periods on the basis of the average future working lives of active employees covered by the PRB plan or a 15 year period, whichever period is longer; and

(iii) Exclude Federal income taxes, whether incurred by the fund or the contractor (including those taxes associated with any increase in PRB costs), unless the fund holding the plan assets is tax-exempt under the provisions of 26 U.S.C. 501(c);

(B) Paid to an insurer or trustee to establish and maintain a fund or reserve for the sole purpose of providing PRB to retirees. The assets shall be segregated in the trust, or otherwise effectively

restricted, so that they cannot be used by the employer for other purposes; and

\* \* \* \* \*

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**BILLING CODE 6820-EP-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Parts 600 and 635**

**RIN 0648-AU89**

**Atlantic Highly Migratory Species; Atlantic Shark Management Measures; Amendment 2 to the Consolidated Highly Migratory Species Fishery Management Plan**

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

**ACTION:** Proposed rule; reopening comment period.

**SUMMARY:** NMFS is reopening the comment period to provide additional opportunity for public comment on the draft Amendment 2 to the Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) and its July 27, 2007, proposed rule. More specifically, NMFS is interested in receiving comments on a modification to shark dealer weigh-out slips that would facilitate compliance with measures proposed in the draft Amendment 2 to the HMS FMP, which would require fishermen to land sharks with all fins naturally attached. Additionally, over the course of the comment period, NMFS has received suggestions on ways to modify the proposed measures to minimize impacts to fishermen. NMFS is interested in receiving additional comments regarding those suggestions. Furthermore, as is required under the current regulations and was proposed to be maintained in the July 27, 2007, proposed rule, any overharvests that occur in the 2007 or 2008 commercial shark fishery will be accounted for with the implementation of final Amendment 2 to the Consolidated HMS FMP. Thus, NMFS is reopening the comment period for 30 days to gather further public comment on these issues. The draft Amendment 2 to the Consolidated HMS FMP and its proposed rule also describe a range of other management measures that could impact fishermen and dealers for HMS fisheries.

**DATES:** The public comment period for receiving written comments on the July 27, 2007 (72 FR 41392), proposed rule