

(“Federalism”) if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under Executive Order 13132 and have determined that it does not have implications for federalism.

#### F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (“Governmental Actions and Interference with Constitutionally Protected Property Rights”).

#### H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, (“Civil Justice Reform”), to minimize litigation, eliminate ambiguity, and reduce burden.

#### I. Protection of Children

We have analyzed this rule under Executive Order 13045 (“Protection of Children from Environmental Health Risks and Safety Risks”). This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175 (“Consultation and Coordination with Indian Tribal Governments”), because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### K. Energy Effects

We have analyzed this rule under Executive Order 13211 (“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use”). We have

determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

#### L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.1D (COMDTINST M16475.1D), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under section 2.B.2 and figure 2–1, paragraphs (34)(a) of the Instruction. This final rule involves amendments to regulations that are editorial.

#### List of Subjects in 33 CFR Part 83

Navigation (water), Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 83 as follows:

#### PART 83—NAVIGATION RULES

- 1. The authority citation for part 83 continues to read as follows:

**Authority:** Sec. 303, Pub. L. 108–293, 118 Stat. 1042 (33 U.S.C. 2071); Department of Homeland Security Delegation No. 0170.1.

- 2. Revise the heading for part 83 to read as set forth above.

#### § 83.34 [Amended]

- 3. Amend § 83.34 as follows:

- a. In paragraph (a)(ii), remove the word “danger”; and
- b. In paragraph (c)(ii), remove the word “danger”.

**Katia Kroutil,**

*Chief, Office of Regulations and Administrative Law.*

[FR Doc. 2018–01304 Filed 1–23–18; 8:45 am]

**BILLING CODE 9110–04–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 15

[GN Docket No. 12–268; FCC 15–140]

### Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** The Federal Communications Commission (Commission) is announcing that three final rules that appeared in the **Federal Register** as part of the Commission’s rulemaking Expanding the Economic and Innovation Opportunities of Spectrum do not need information collection approval from the Office of Management and Budget (OMB) and are effective immediately. This document is consistent with a *Report and Order* in which the Commission stated that it would publish a document in the **Federal Register** announcing OMB approval and the effective date of these rules.

**DATES:** 47 CFR 15.713(b)(2)(iv), 15.713(j)(10) introductory text and 15.715(n) published at 81 FR 4969, January 29, 2016, are effective on January 24, 2018.

**FOR FURTHER INFORMATION CONTACT:** Cathy Williams at (202) 418–2918, or via email at [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The *Report and Order*, GN Docket No. 12–268, FCC 15–140, published at 81 FR 4969, January 29, 2016, stated that modifications to section 15.713(b)(2)(iv), 15.713(j)(10) introductory text and section 15.715(n) would not become effective until after the **Federal Register** publication of the date that OMB approved the resulting modification of the information collections under the Paperwork Reduction Act (PRA) and the effective date of such modifications. Because subsequent review and consultation with OMB has revealed that there is no existing information

collection that will be modified by these rules, OMB review is not necessary. Thus, these rules may become effective immediately.

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. 2018-01213 Filed 1-23-18; 8:45 am]

**BILLING CODE 6712-01-P**

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Parts 515, 538, and 552

[GSAR Case 2016-G506; Docket No. 2016-0016; Sequence No. 1]

RIN 3090-AJ75

### General Services Administration Acquisition Regulation (GSAR); Federal Supply Schedule, Order-Level Materials

**AGENCY:** Office of Acquisition Policy,  
General Services Administration.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to clarify the authority to acquire order-level materials (OLMs) when placing an individual task or delivery order against a Federal Supply Schedule (FSS) contract or FSS blanket purchase agreement (BPA). OLMs are supplies and/or services acquired in direct support of an individual task or delivery order placed against an FSS contract or BPA, when the supplies and/or services are not known at the time of contract or BPA award.

**DATES:** *Effective:* January 24, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Leah Price, GSA Acquisition Policy Division, Senior Policy Advisor, at [leah.price@gsa.gov](mailto:leah.price@gsa.gov). For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202-501-4755. Please cite GSAR Case 2016-G506.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

GSA's Federal Supply Schedule (FSS) program, commonly known as the GSA Schedules program or Multiple Award Schedule (MAS) program is the Government's most used commercial-item purchasing channel, accounting for approximately \$33 billion of Federal contract awards in fiscal year 2016 (not including the VA Schedules).

GSA Schedules provide a convenient and effective option for both ordering

activities and Schedule contractors. Ordering activities enjoy simplified ordering procedures and reduced prices, while Schedule contractors connect with federal business quickly and easily. Additional features of the Schedules program, including Blanket Purchase Agreements (BPAs) and Contractor Team Arrangements (CTAs), greatly enhance the flexibility of the program.

These features offer:

- Additional price discounts for ordering activities;
- Expanded opportunities for contractors;
- Elimination of redundant effort, with a single contracting vehicle fulfilling complex or ongoing needs;
- Reductions in administrative time and paperwork;
- Expanded business opportunities for socioeconomic groups; and
- Help for ordering activities wishing to reach socioeconomic goals.

The Schedules Program supports Federal Agencies' missions by providing access from simple commodities such as pens and pencils to complex services such as IT Modernization.

##### Authority for This Rulemaking

41 U.S.C. 152(3)(B) deemed FSS procedures to meet the Competition in Contracting Act (CICA) requirement of full and open competition as long as participation has been open to all responsible sources; and orders and contracts under those procedures result in the lowest overall cost alternative to meet the needs of the Federal Government.

GSA has long recognized the lowest overall cost alternative does not just include the actual price paid to the contractor, but also the administrative cost of conducting the acquisition. For example, GSA charges a low transactional fee for orders to be placed against a Schedule and the efficiency of the simplified acquisition process translates to time and cost savings. The administrative cost to acquire similar goods or services combined with possible fees on a new contract duplicates efforts resulting in a less efficient way to acquire those goods or services.

This is also consistent with the Federal Acquisition System and its principle to minimize administrative operating costs (FAR 1.102(b)(2)). The Federal Acquisition System is designed to deliver the best value product or service to the customer in terms of cost, quality, and timeliness. By lowering the cost to conduct the acquisition, and simplifying the acquisition process, administrative savings can be achieved.

##### II. Discussion of the Proposed Rule

The proposed rule published in the **Federal Register** at 81 FR 62445 on September 9, 2016 and addressed the importance of providing the same flexibility for the FSS program that is currently authorized for other indefinite delivery, indefinite quantity (IDIQ) vehicles, which will help reduce contract duplication and the associated administrative costs and inefficiencies. GSA also discussed how the proposed changes would also reduce transaction costs by eliminating the need for additional contracts for ancillary work. The rule aimed at achieving parity between the FSS programs and other IDIQs, in terms of acquiring OLMs.

The rule presented two price protections found in all IDIQ contracts which authorized OLMs plus three additional price protections not generally found in such contracts.

All IDIQ contracts authorizing OLMs include two key government protections:

1. The contracting officer must determine the prices are fair and reasonable.
2. FAR Clause 52.212-4 Alternate 1 paragraph (i)(1)(ii) which addresses:
  - a. Paying for commercial items at prices not to exceed established catalog or market price
  - b. Conditions for reimbursing contractors for actual cost
  - c. Procedures for handling indirect cost reimbursement

The three unique protections GSA included in the proposed rule were:

1. The requirement to submit three quotes;
2. Limitation of percentage of order which can be OLM; and
3. Establishment of an OLM SIN, which requires reporting of OLM.

Commenters noted that due to these three unique GSA protections, the proposed rule did not fully meet the parity objective. In the final rule, GSA maintained these three unique protections while simplifying and narrowing the three quote requirement. This is more fully discussed in the Analysis of Public Comments section. GSA agrees that this leaves the final rule close to, but not at full parity. However, the requirements are currently the best available means to ensure price reasonableness and provide confidence to customers when using the new OLM authority on Federal Supply Schedules. This is more fully discussed in the Analysis of Public Comments section.

These price protections, when combined with the current design of the FSS program, are sufficient to ensure the Federal Supply Schedules continue