

[Reserved for Product Description]
 International Ancillary Services
 [Reserved for Product Description]
 International Certificate of Mailing
 [Reserved for Product Description]
 International Registered Mail
 [Reserved for Product Description]
 International Return Receipt
 [Reserved for Product Description]
 International Restricted Delivery
 [Reserved for Product Description]
 International Insurance
 [Reserved for Product Description]
 Negotiated Service Agreements
 [Reserved for Group Description]
 Domestic
 [Reserved for Product Description]
 Outbound International
 [Reserved for Group Description]
 Part C—Glossary of Terms and Conditions [Reserved]
 Part D—Country Price Lists for International Mail [Reserved]

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business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by sending an e-mail to fcc504@fcc.gov or by calling the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

1. The WT Docket No. 04-257 rulemaking proceeding was established to develop rules to provide to VHF Public Coast (VPC) and Automated Maritime Telecommunications System (AMTS) licensees additional operational flexibility by permitting them to offer private correspondence service to units on land. The *Memorandum Opinion and Order* (MO&O) in WT Docket No. 04-257 addresses the petitions for reconsideration of the *Report and Order* in this proceeding, published at 72 FR 31192, June 6, 2007. In the MO&O in WT Docket No. 04-257, the Commission amends § 80.385(a)(1) of the its rules by eliminating the words "interconnected" and "integrated." This action is consistent with the identical amendments to §§ 80.5 and 80.475(d) made in the *Report and Order* in this proceeding.

I. Procedural Matters

A. Paperwork Reduction Act

2. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

List of Subjects in 47 CFR Part 80

Communications equipment, Radio.
 Federal Communications Commission.

Gloria J. Miles,
Federal Register Liaison.

Rule Changes

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 80 as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: Secs. 4, 303, 307(e), 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e), 309, and 332, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

■ 2. Amend § 80.385 by revising paragraph (a)(1) to read as follows:

§ 80.385 Frequencies for automated systems.

* * * * *

(a) * * *

(1) The Automatic Maritime Communications System (AMTS) is an automatic maritime telecommunications system.

* * * * *

[FR Doc. 2010-2095 Filed 2-1-10; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

48 CFR Parts 512 and 552

[GSAR Amendment 2010-01; GSAR Case 2008-G504 (Change 43); Docket GSAR-2010-0001; Sequence 1]

RIN 3090-AI61

General Services Administration Acquisition Regulation; Rewrite of Part 512, Acquisition of Commercial Items

AGENCIES: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to update the text addressing the acquisition of commercial items. This rule is a result of the GSAM Rewrite initiative undertaken by GSA to revise the GSAM to maintain consistency with the Federal Acquisition Regulation, and to implement streamlined and innovative acquisition procedures that contractors, offerors, and GSA contracting personnel can utilize when entering into and administering contractual relationships. The GSAM incorporates the GSAR as well as internal agency acquisition policy.

DATES: Effective Date: March 4, 2010

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Michael O. Jackson, Procurement Analyst, at (202) 208-4949. For

DATES: Effective April 5, 2010.

FOR FURTHER INFORMATION CONTACT: Stana Kimball, Mobility Division, Wireless Telecommunications Bureau, at Stanislava.Kimball@FCC.gov or at (202) 418-1306, or TTY (202) 418-7233.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's *Memorandum Opinion and Order* in WT Docket No. 04-257, FCC 10-6, adopted on January 6, 2010, and released on January 7, 2010. The full text of this document is available for inspection and copying during normal

information pertaining to status or publication schedules, contact the Regulatory Secretariat (MVPR), Room 4041, 1800 F Street, NW., Washington, DC, 20405, (202) 501-4755. Please cite GSAR Amendment 2010-01, GSAR case 2008-G504 (Change 43).

SUPPLEMENTARY INFORMATION:

A. Background

The GSAR Rewrite Project and Process

GSA published an Advance Notice of Proposed Rulemaking (ANPR) in the **Federal Register** at 71 FR 7910 on February 15, 2006, with request for comments on all parts of the GSAM. As a result, four comments were received on GSAR part 512. These comments are addressed below. In addition, internal review comments have been incorporated, as appropriate. A proposed rule for the regulatory portion of the GSAM was published in the **Federal Register** at 73 FR 44953 on August 1, 2008. The public comment period for GSAR part 512 closed on September 30, 2008, and no comments were received.

The Rewrite of GSAR Part 512

This final rule contains the revisions made to GSAR Part 512, Acquisition of Commercial Items. The rule revises GSAR part 512 to address the text at GSAR 512.301, Solicitation provisions and contract clauses for the acquisition of commercial items. Section 512.203 has been revised to add language regarding using GSAM part 512 for construction contracts. GSAR clauses 552.212-70, Preparation of Offer (Multiple Award Schedule), and 552.212-73, Evaluation—Commercial Items (Multiple Award Schedule), are proposed for deletion from GSAR part 512 and proposed to be moved to GSAR Part 538, Federal Supply Schedule Contracting, as these GSAR clauses are a better fit in GSAR part 538. GSAR clauses 552.212-71, Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items and 552.212-72, Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to GSA Acquisition of Commercial Items, are retained with no changes.

Discussion of Comments

A proposed rule for the regulatory portion of the GSAM was published in the **Federal Register** on August 1, 2008, at 73 FR 44953. The public comment period for GSAR part 512 closed on September 30, 2008, and no comments were received. Four comments covering GSAR part 512 were received in response to the Advanced Notice of

Proposed Rulemaking. A discussion of these comments is provided below:

Comment: Add a clause to the GSAM that allows for use of FAR part 12 in relation to constructions or remodeling of real property.

Response: Section 512.203 has been revised to add language regarding using GSAM part 512 for construction contracts.

Comment: Revise the GSAR to address inconsistencies and duplications between and among GSA contract clauses and FAR part 12 that are often included in a single contract.

Response: The clauses were reviewed and any inconsistencies were eliminated to the maximum extent possible.

Comment: Revise the GSAR to encourage contracting officers to consider a vendor's commercial practices and policies during negotiation of contract terms and conditions consistent with the contracting officer's ability to tailor clauses under FAR 12.302.

Response: Current FAR part 12 requires contracting officers to consider a vendor's commercial practices and policies during negotiations of contract terms and conditions.

Comment: Revise the GSAR to eliminate inconsistencies and redundancies between the FAR and GSAR in the context of a Federal Supply Schedule, specifically citing Federal Supply Schedule 70.

Response: The Federal Supply Schedule clauses have been reviewed and are being published in GSAM part 538. Inconsistencies and redundancies between the FAR and GSAR were eliminated to the maximum extent possible.

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 General Services Administration certifies that this final rule will not 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 revisions are not considered substantive. The revisions only update and reorganize existing coverage.

This is not a substantive change. Therefore, a Regulatory Flexibility Analysis was not performed. In accordance with 5 U.S.C. 610, the proposed rule requested comments from small entities concerning this

assessment, and no comments were received.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors, or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. Chapter 35, *et seq.*

List of Subjects in 48 CFR Parts 512 and 552

Government procurement.

Dated: January 26, 2010.

David A. Drabkin,

Senior Procurement Executive, Office of Acquisition Policy, General Services Administration.

■ Therefore, GSA amends 48 CFR parts 512 and 552 as set forth below:

■ 1. The authority citation for 48 CFR parts 512 and 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

PART 512—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Revise section 512.301 to read as follows:

512.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(a) *Solicitation provisions and clauses.* Insert these provisions or clauses in solicitations or solicitations and contracts, respectively, in accordance with the instructions provided:

(1) 552.212-71, Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items, when listed clauses apply. The clause provides for incorporation by reference of terms and conditions which are, to the maximum extent practicable, consistent with customary commercial practice. If necessary, tailor this clause.

(2) 552.212-72, Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to GSA Acquisitions of Commercial Items, when listed clauses apply. The clause provides for the incorporation by reference of terms and conditions required to implement provisions of law or executive orders that apply to commercial item acquisitions.

(b) *Discretionary use of GSAR provisions and clauses.* Consistent with the limitations contained in FAR 12.302(c), include in solicitations and contracts by addendum other GSAR provisions and clauses.

(c) Use of additional provisions and clauses. The Senior Procurement Executive must approve the use of a provision or clause that is either not:

(1) Prescribed in the FAR or GSAR for use in contracts for commercial items.

(2) Consistent with customary commercial practice.

(d) In solicitations issued in conjunction with the policy and procedures in FAR part 14, Sealed Bidding; or FAR part 15, Contracting by Negotiation, include the two notices in paragraphs (d)(1) and (d)(2) of this section, except that acquisitions of leasehold interests in real property, must include only the notice in paragraph (d)(1) of this section.

(1) The information collection requirements contained in this solicitation/contract are either required by regulation or approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act and assigned OMB Control No. 3090-0163.

(2) The General Services Administration's hours of operation are 8 a.m. to 4:30 p.m. Requests for preaward debriefings postmarked or otherwise submitted after 4:30 p.m. will be considered submitted the following business day. Requests for postaward debriefings delivered after 4:30 p.m. will be considered received and filed the following business day.

PART 552—SOLICITATIONS PROVISIONS AND CONTRACT CLAUSES

552.212-70 [Removed and Reserved]

■ 3. Remove and reserve section 552.212-70.

552.212-73 [Removed and Reserved]

■ 4. Remove and reserve section 552.212-73.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 7, 10, and 40

[Docket No. OST-2009-0173]

RIN 2105-AD82

OST Technical Corrections

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: DOT is making corrections to amendments to a number of its regulations that were published in the

Federal Register on June 12, 2008 (73 FR 33326-30) to reflect reorganization of some elements of DOT and the move of DOT's Headquarters site in Washington, DC.

DATES: The amendments are effective February 2, 2010.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C-60, Room W96-314, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone 202.366.9156; fax 202.366.9170; e-mail: bob.ross@dot.gov.

SUPPLEMENTARY INFORMATION: These corrections affect the following:

1. DOT moved its Headquarters in Washington, DC to a new site.

2. The Chief Information Officer has replaced the Assistant Secretary for Administration as the DOT Chief Privacy Officer.

3. A mistake was made in the definition of "Department" in our Freedom of Information regulations.

4. The list of exemptions in our Freedom of Information regulations are reorganized and corrected to reflect the transfer of motor carrier safety oversight from the Federal Highway Administration to the Federal Motor Carrier Safety Administration.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment are unnecessary under 5 U.S.C. 553(b). Further, since the amendment expedites the Department's ability to meet the statutory intent of the applicable laws and regulations covered by this delegation, I find good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under Executive Order 12866 and DOT Regulatory Policies and Procedures (44 FR 11034). It was not reviewed by the Office of Management and Budget. There are no costs associated with this rule.

B. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). This final rule does not have a substantial direct effect on, or sufficient federalism implications for, the States, nor would it limit the policymaking discretion of the States. Therefore, the consultation

requirements of Executive Order 13132 do not apply.

C. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"). Because this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

D. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under the Administrative Procedure Act, 5 U.S.C. 553, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. We also do not believe this rule would impose any costs on small entities because it simply delegates authority from one official to another and makes other nonsubstantive corrections. Therefore, I certify this final rule will not have a significant economic impact on a substantial number of small entities.

E. Paperwork Reduction Act

This rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

F. Unfunded Mandates Reform Act

The Department of Transportation has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

List of Subjects

49 CFR Part 7

Freedom of information, Reporting and recordkeeping requirements.

49 CFR Part 10

Penalties, Privacy.

49 CFR Part 40

Administrative practice and procedure, Drug testing, Laboratories, Reporting and recordkeeping requirements, Safety, Transportation.

■ For the reasons discussed in the preamble, Subtitle A of title 49, Code of Federal Regulations, is amended as follows:

PART 7—PUBLIC AVAILABILITY OF INFORMATION

■ 1. The authority citation for part 7 continues to read as follows: