

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 1**

[MD Docket No. 96-186; DA 97-1463]

**Assessment and Collection of Regulatory Fees For Fiscal Year 1997****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** The Commission revised its Schedule of Regulatory Fees on June 16, 1997, in order to recover the amount of regulatory fees that Congress has required it to collect for fiscal year 1997. See *Report and Order in the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 1997*, Md Docket 96-186, FCC 97-215, released June 26, 1997, 62 FR 37408 (July 11, 1997). The attached *Order* establishes the dates when these regulatory fees must be paid.

**DATES:** September 15, 1997, through September 19, 1997, for all annual fee payors. Beginning on September 15, 1997, for applicants who pay fees in advance in combination with their application fee for new, renewal and reinstatement authorizations in the private wireless services.

**FOR FURTHER INFORMATION CONTACT:** Terry D. Johnson, Office of Managing Director at (202) 418-0445.

**SUPPLEMENTARY INFORMATION:**

Adopted: July 14, 1997.

Released: July 16, 1997.

1. The Managing Director has determined the dates for collection of the fees adopted in the above-captioned proceeding. See *Assessment and Collection of Regulatory Fees for Fiscal Year 1997*, FCC 97-215, released June 26, 1997, 62 FR 37408 (July 11, 1997). We are establishing collection dates as indicated below.

2. Annual regulatory fees for regulatees in the cable television, common carrier, international, mass media, and commercial wireless services are due during the period beginning *September 15, 1997*, and ending *September 19, 1997*. Parties paying these fees electronically are requested to submit them on *September 15th* or *September 16th*.

3. Applicants for new, renewal and reinstatement licenses in the private wireless services (also includes the domestic public fixed microwave services) which pay annual fees of \$10.00 in advance for each year of their license term in combination with the appropriate application fee are to begin paying the new fee on *September 15,*

1997. For private wireless licensees paying \$5.00 in advance for each year of their license term in combination with the appropriate application fee, they also are to begin paying the new fee on *September 15, 1997*.

4. Since the time for collecting fees is extremely limited, we are unable to offer installment payments for fiscal year 1997.

5. Accordingly, *it is ordered* that the dates for collection of fiscal year 1997 regulatory fees are as provided in paragraphs 2 and 3 of this *Order*. This action is taken under delegated authority pursuant to § 0.231(a) and § 1.1157(b)(1) of the Commission's rules. 47 U.S.C. § 0.231(a) and § 1.1157(b)(1).

Federal Communications Commission.

**William F. Caton,***Acting Secretary.*

[FR Doc. 97-18883 Filed 7-17-97; 8:45 am]

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**GENERAL SERVICES ADMINISTRATION****48 CFR Part 552**

[APD 2800.12A, CHGE 75]

RIN 3090-AG30

**Acquisition Regulation; Remittance of Industrial Funding Fee in U.S. Dollars Under Federal Supply Schedules Program****AGENCY:** Office of Acquisition Policy, GSA.**ACTION:** Final rule.

**SUMMARY:** The General Services Administration Acquisition Regulation (GSAR) is amended to revise the contract clauses at 552.238-72 and 552.238-77 to require remittance of the industrial funding fee under Federal Supply Schedules (FSS) program in U.S. dollars, define the basis for converting the value of sales in foreign currency, update references to termination for cause, and clarify reporting and remittance requirements.

**DATES:** Effective Date July 18, 1997.

**FOR FURTHER INFORMATION CONTACT:** Gloria Sochon, GSA Acquisition Policy Division, (202) 208-6726.

**SUPPLEMENTARY INFORMATION:****A. Background**

The General Services Administration's FSS program charges ordering activities an industrial funding fee (IFF) to recoup the program's operating costs. The IFF is included in contract prices, collected by contractors, and remitted quarterly to GSA. Some

contractors under the International Federal Supply Schedule have remitted the IFF in foreign currency. This practice causes many problems, particularly impeding GSA's ability to meet U.S. Department of the Treasury requirements to record deposits timely. Checks in foreign currency require significant processing, often taking several weeks to complete the deposit. The government loses interest on the funds during this delay.

The revised contract clauses require payment of the IFF in U.S. dollars. It also establishes standards for conversion to address fluctuations in rates of exchange. Contractors will use the U.S. Department of the Treasury, "Treasury Reporting Rates of Exchange," in effect on the last day of the reporting period to convert the value of sales in foreign currency to U.S. dollars. In addition, the references to termination for cause are revised, as different clauses now apply in different situations. It also clarifies reporting and remittance requirements by defining the close-out report, defining how the contractor is to provide supporting information when reimbursing GSA by check, and updating information on electronic funds transfers.

**B. Executive Order 12866**

This rule was submitted to the Office of Management and Budget (OMB) under Executive Order 12866.

**C. Regulatory Flexibility Act**

This final 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.* The rule requires only that FSS contractors use U.S. dollars to report the value of sales and to remit the IFF to GSA. The only additional administrative burden on contractors is the need to calculate the conversion of sales made in foreign currency once each quarter. Most of the contractors affected by this rule will be foreign entities, with their place of business located outside of the U.S.

**D. Paperwork Reduction Act**

The revised clause at 552.238-72, Contractor's Report of Sales, contains an information collection requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). However, the revisions to the clause made by this rule do not affect the information collection requirement which was approved previously by OMB and assigned control number 3090-0121.

The revised clause at 552.238-77, Industrial Funding Fee, contains an information collection requirement

subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). However, the revisions to the clause made by this rule do not affect the information collection requirement previously approved under GSA's blanket approval under control number 3090-0250 from OMB for information collections with a zero burden estimate.

#### **E. Small Business Regulatory Enforcement Fairness Act of 1996**

This rule is not a major rule under 5 U.S.C. 804. This rule was submitted to Congress and GAO under 5 U.S.C. 804.

#### **F. Determination to Issue a Final Rule**

GSA expects this rule will have no significant cost or administrative burden on contractors or offerors. The only additional administrative burden on contractors is the need to calculate the conversion of sales made in foreign currency once each quarter. Therefore, GSA is promulgating this final rule without prior opportunity for public comment.

#### **List of Subjects in 48 CFR Part 552**

Government procurement.

Accordingly, 48 CFR 552 is amended as follows:

1. The authority citation for 48 CFR Part 552 continues to read as follows:

**Authority:** 40 U.S.C. 486(c).

#### **PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

2. Section 552.238-72 is amended by revising the clause date; revising paragraph (a); redesignating paragraphs (b), (c), and (d) as (c), (d), and (e) respectively; adding a new paragraph (b); redesignating paragraph (e) in Alternate I as paragraph (f) and revising the reference "paragraph (e)" in Alternate I introductory text to read "paragraph (f)"; and revising the Alternate I date to read "May 1997"; and revising paragraphs (c) and (d) to read as follows:

##### **552.238-72 Contractor's report of sales.**

CONTRACTOR'S REPORT OF SALES (MAY 1997)

(a) The Contractor must furnish quarterly the dollar value (in U.S. dollars and rounded to the nearest whole dollar) of all sales under the contract during the preceding 3-month period, to include any partial month. The dollar value of a sale is the price paid by the schedule user for products and services on a schedule contract delivery order, as recorded by the Contractor. The reported contract sales value must include the industrial funding fee (see Clause 552.238-77). The Contractor must prepare and submit a separate report for each

National Stock Number (NSN), Special Item Number (SIN), or subitem, unless otherwise specified, on GSA Form 72A.

(b) The Contractor must convert the total value of any sales made in foreign currency to U.S. dollars using the "Treasury Reporting Rates of Exchange," issued by the U.S. Department of Treasury, Financial Management Service. The Contractor must use the issue of the Treasury report in effect on the last day of the contract quarter. The report is available from: Department of the Treasury, Financial Management Service, International Funds Branch, 3700 East-West Highway, PGCII, Room 5A19, Hyattsville, MD 20782, Telephone: (202) 874-7994, Internet: <http://www.ustreas.gov/treasury/bureaus/finman/intn.html>.

(c) The report is due in the office specified below or specified at the time of award 30 days following the completion of the reporting period. The Contractor must provide a close-out report within 120 days after the expiration date of the contract. This close-out report must cover all sales not shown in the final quarterly report and reconcile all errors and credits. If the Contractor reported all contract sales and reconciled all errors and credits on the final quarterly report, then show zero sales in the close-out report.

(d) The Government reserves the right to inspect without further notice, such records of the Contractor as pertain to sales under this contract. Willful failure or refusal to furnish the required reports, or falsification thereof, constitutes sufficient cause for terminating the contract for cause under the termination provisions of this contract.

3. Section 552.238-77 is amended by revising the clause date; revising paragraph (a); redesignating paragraphs (b), (c), and (d) as (c), (d), and (e) respectively; adding a new paragraph (b); revising newly designated paragraphs (c), introductory text and (c)(2); and revising newly designated paragraph (e) to read as follows:

##### **552.238-77 Industrial funding fee.**

INDUSTRIAL FUNDING FEE (MAY 1997)

(a) The Contractor must pay the Federal Supply Service, GSA, an Industrial Funding Fee (IFF), in U.S. dollars, at the end of each contract quarter. The Contractor must remit the IFF at the same time the GSA Form 72A, Contractor's Report of Sales, is submitted under clause 552.238-72, Contractor's Report of Sales. The IFF equals  $\frac{\text{total sales reported on GSA Form 72A}}{\text{of}}$  total sales reported on GSA Form 72A. The IFF reimburses the GSA Federal Supply Service for the costs of operating the Federal Supply Schedules Program and recoups its operating costs from ordering activities. Offerors should include the IFF in the prices submitted with their offer. The fee is included in the award price(s) and reflected in the total amount charged to ordering activities.

(b) The Contractor must remit any monies due as a result of the close-out report required by clause 552.238-72 at the time the close-out report is submitted to GSA.

(c) The IFF amount due must be paid by check or, electronic funds transfer through the Automated Clearing House (ACH), to the "General Services Administration." If the payment involves multiple special item numbers or contracts, the Contractor may consolidate the IFFs into one payment. To ensure that the payment is credited properly, the Contractor should identify the check or electronic transmission as an "Industrial Funding Fee" and include the following information: contract number(s); report amount(s); and report period(s). If the Contractor makes payment by check, provide this information on either the check, check stub, or remittance material. The GSA Form 72A is not remittance material.

(2) If the IFF payment is made by electronic funds transfer through ACH, the Contractor must call GSA, Financial Information Control Branch, Receivables, Collections and Sales Section (6BCDR) at (contracting officer to insert phone number) to make arrangements.

(e) Failure to submit sales reports, falsification of sales reports, and/or failure to pay the IFF in a timely manner may result in termination or cancellation of this contract. Willful failure or refusal to furnish the required reports, falsification of sales reports, or failure to make timely payment of the IFF constitutes sufficient cause for terminating the contract for cause under the termination provisions of this contract.

(End of Clause)

Dated: May 15, 1997.

**Ida M. Ustad,**

*Deputy Associate Administrator, Office of Acquisition Policy.*

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#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **48 CFR Parts 1535 and 1552**

[FRL-5860-6]

#### **Acquisition Regulation: Removal of Certification Requirements Regarding Collection, Use, Access, Treatment, and Disclosure of Confidential Business Information (CBI)**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is amending the Environmental Protection Agency Acquisition Regulation (EPAAR) (48 CFR Chapter 15) by removing certification requirements regarding the collection, use, access, treatment, and disclosure of confidential business information (CBI) which are not specifically imposed by statute, and to