

completed implementation of the refund order. In determining the amount of the refund, the franchise fee overcharge should be offset against franchise fees the operator holds on behalf of the franchising authority for lump sum payment. The interest rate on any refund owed to the operator presumptively shall be 11.25%.

8. Section 76.944 is amended by adding paragraph (c) as follows:

§ 76.944 Commission review of franchising authority decisions on rates for the basic service tier and associated equipment.

* * * * *

(c) An operator that uses the annual rate adjustment method under Section 76.922(e) may include in its next true up under Section 76.922(e)(3) any amounts to which the operator would have been entitled but for a franchising authority decision that is not upheld on appeal.

9. Section 76.957 is revised to read as follows:

§ 76.957 Commission adjudication of the complaint.

The Commission will consider the complaint and the cable operator's response and then determine by written decision whether the rate for the cable programming service or associated equipment is unreasonable or not. In making its determination, the Commission will only review the amount of the rate increase subject to the complaint. If the Commission determines that the rate change in question is unreasonable, it will grant the complaint and may order appropriate relief, including, but not limited to, prospective rate reductions and refunds. If it determines that the rate in question is reasonable, the Commission will deny the complaint.

10. Section 76.960 is revised to read as follows:

§ 76.960 Prospective rate reductions.

Upon a finding that a rate for cable programming service or associated equipment is unreasonable, the Commission may order the cable operator to implement a prospective rate reduction to the class of customers subscribing to the cable programming service at issue.

(a) For an operator that adjusts its rates using the quarterly rate adjustment system pursuant to Section 76.922(d), the Commission's decision regarding a prospective rate reduction shall remain binding on the cable operator for one year unless the Commission specifies otherwise.

(b) For an operator that adjusts its rates using the annual rate adjustment

system pursuant to Section 76.922(e), for one year following the Commission's decision, the operator shall provide the Commission at least 30 days' notice of any proposed change.

[FR Doc. 95-24756 Filed 10-4-95; 8:45 am]
BILLING CODE 6712-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1822

Acquisition Regulation; Approval of Contractor Overtime

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

ACTION: Final rule.

SUMMARY: This rule amends NASA's acquisition regulation in order to authorize the Contracting Officer to approve contractor requests for overtime. This change will allow NASA to give approvals more quickly when overtime is needed.

EFFECTIVE DATE: October 5, 1995.

FOR FURTHER INFORMATION CONTACT: David K. Beck, (202) 358-0482.

SUPPLEMENTARY INFORMATION:

Background

Under 48 CFR 1822.103-4, contractor requests for overtime are approved by the chief of the contracting office, or one level of supervision below. This change authorizes the contracting officer to approve overtime requests.

Impact

The rule was reviewed under the Regulatory Flexibility Act of 1980. NASA certifies that the rule will not have a significant economic impact on a substantial number of small entities. The rule imposes no paperwork burden subject to OMB review under the Paperwork Reduction Act.

List of Subjects in 48 CFR Part 1822

Government Procurement.
Tom Luedtke,
Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR part 1822 is amended as follows:

PART 1822—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

1. The authority citation for 48 CFR Part 1822 continues to read as follows:

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

Subpart 1822.1—Basic Labor Policies

2. Section 1822.103-4 is revised to read as follows:

1822.103-4 Approvals.

The contracting officer is authorized to approve overtime premiums at Government expense. If two or more contracting offices have current contracts at a single facility and approval of overtime by one will affect the performance or cost of contracts of another, the approving contracting officer shall obtain the concurrence of affected contracting officers. If the approving contracting officer cannot obtain agreement within a reasonable time, a decision shall be obtained through the installation's normal management channels. In the absence of evidence to the contrary, a contracting officer may rely on the contractor's statement that approval will not affect performance or payments under any contract of another contracting office.

[FR Doc. 95-24791 Filed 10-4-95; 8:45 am]
BILLING CODE 7510-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[I.D. 060995B]

Endangered and Threatened Wildlife; Revised Sea Turtle/Shrimp Fishery Emergency Response Plan

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

ACTION: General statement of policy; request for comments.

SUMMARY: NMFS has revised, and is publishing herein, the Sea Turtle/Shrimp Fishery Emergency Response Plan (ERP) that describes NMFS' policy to ensure compliance with the sea turtle conservation regulations promulgated under the Endangered Species Act (ESA) and provides guidance for the use of future rulemaking in response to elevated sea turtle strandings associated with shrimping in the southeastern United States. The ERP has been revised in response to comments on the ERP and the receipt of new technical information. This notice contains a revised ERP in its entirety and invites public review and comment.

DATES: The revised ERP describes NMFS' policy effective October 4, 1995.