

with interagency screening, but screening of exchange/sale transactions with an OAC per component of \$1 million or more shall be completed prior to concluding an exchange/sale transaction.) When an agency determines that FIP equipment will be replaced by exchanging or selling it, the agency shall follow the contracting policies and procedures in part 201-39 and the Federal Acquisition Regulation (FAR) (48 CFR chapter 1) and the policies and procedures on exchange/sale contained in 41 CFR part 101-46. FIP software transactions must be consistent with the limitations of any applicable license.

(f) Agencies shall make available for surplus donation or subsequent sale, in accordance with 41 CFR parts 101-44 and 101-45, excess FIP equipment not exchanged, sold, reassigned, or transferred.

(g) Agencies shall apply the policies and procedures of this part 201-23 to FIP equipment used by grantees and contractors when FIP equipment is—

(1) Acquired by the contractor or grantee under a contract or grant and the terms vest title in the Government or the Government is obligated or has the option to take over title;

(2) Furnished to the grantee or contractor by the Government (Transfer of excess FIP equipment to agency project grantees shall be conducted in accordance with 41 CFR 101-43.314.); or

(3) Operated by the grantee or contractor as part of a Government-owned or Government-controlled facility.

(h) Agencies may request GSA to review another agency's decision to transfer excess FIP equipment. Requests shall be sent to the General Services Administration/MKA, 18th and F Streets NW., Washington, DC 20405.

PART 201-24—GSA SERVICES AND ASSISTANCE

2. The authority citation for part 201-24 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

§ 201-24.202 [Removed and reserved]

3. Section 201-24.202 is removed and reserved.

Dated: July 10, 1996.

William R. Ratchford,

Acting Administrator of General Services.

[FR Doc. 96-18887 Filed 7-25-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 12

RIN 1090-AA58

Administrative and Audit Requirements and Cost Principles for Assistance Programs

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This final rule is in response to the "Omnibus Consolidated Rescissions and Appropriations Act of 1996," and the "Energy and Water Development Appropriations Act, 1996." Section 307(a) of Public Law 104-134 required that no funds made available in the Act may be expended by an entity unless the entity agrees that in expending the funds they will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act"). As it did for awards governed by this provision made since FY 1993, the Department continues to interpret this requirement to apply to assistance programs. Section 307(b)(1) of Public Law 104-134 again states that it is the sense of Congress that all equipment and products purchased with funds made available in the Act should be American-made. Likewise, the Department is again taking the position that Congressional intent is different for awards made by the Bureau of Reclamation. As such, only the provisions in the regulation addressing the sense of Congress (§ 12.700 and the notice requirements (§ 12.710) will apply to awards made by the Bureau of Reclamation using appropriated funds for FY 1996.

EFFECTIVE DATE: July 26, 1996.

SUPPLEMENTARY INFORMATION: On April 26, 1996, the Omnibus Consolidated Rescissions and Appropriations Act of 1996 ("the Act") was signed into law. Section 307(a) of the Act was entitled "Compliance with Buy American Act." The section applied to funds appropriated or transferred pursuant to the Act for the purchase of any equipment or product that may be authorized to be purchased with financial assistance. Section 307(b)(1) expressed the "sense of the Congress" that entities receiving the assistance purchase only American-made equipment and products.

Section 307(b)(2) required that in providing the financial assistance under the Act, the Secretary shall provide to each recipient of the assistance a notice describing the requirement. As in prior

years, no other specific guidance was given regarding the implementation of this requirement.

The Department is revising subpart E of 43 CFR Part 12 to implement these requirements for awards made using appropriated funds for FY 1996. No specific guidance was provided by Congress, so the Department decided to continue its implementation of these requirements based upon the final rule published in the Federal Register on July 19, 1994 (59 FR 36713).

Because of the applicability of different appropriation acts and the fact that the requirements are different, the notice in paragraph (b) of § 12.710 has been changed to account for the reference to language in Public Law 104-134. A separate notice included in paragraph (c) of § 12.710 has been amended to account for the reference to language in Public Law 104-46 and its use only for awards made by the Bureau of Reclamation.

Finding of Good Cause for Waiver of Proposed Rulemaking and for Making Rule Effective Upon Publication

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is usually the practice of the Department to offer interested parties the opportunity to comment on proposed regulations. However, the Department waives notice and comment on these regulations under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)). This section provides that notice and comment for rulemaking is not required when the agency for good cause finds that notice and public procedures are impracticable, unnecessary, or contrary to the public interest.

The Department believes public comment on the revision of this regulation is unnecessary because the substance of these provisions is based on statutory requirements governing the award of assistance with appropriated funds for FY 1996, that the Department is unable to change.

The Administrative Procedure Act provides that rules be published at least 30 days prior to their effective date, except as otherwise provided by an agency on a finding of good cause (5 U.S.C. 553(d)(3)). In this case, because this requirement is a statutory condition of expenditure of appropriated funds in this fiscal year, the Department has determined that the rule must be effective upon publication.

Executive Order 12866, Paperwork Reduction Act, and Regulatory Flexibility Act

This rule was not subject to Office of Management and Budget review under Executive Order 12866.

The Department has determined that this rule will not have a significant economic impact on small entities since it is anticipated that no additional costs will be imposed on a substantial number of small entities as a result of the rule. This rule does not contain a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Environmental Effects

The Department has determined that this rule does not constitute a major Federal action having a significant impact on the human environment under the National Environmental Policy Act of 1969.

List of Subjects in 43 CFR Part 12

Administrative practice and procedure, Contract programs, Cooperative agreements, Grant programs, Grants administration, Reporting and recordkeeping requirements.

Dated: July 18, 1996.

Bonnie R. Cohen,
Assistant Secretary—Policy, Management, and Budget.

Title 43 of the Code of Federal Regulations, part 12 is amended as follows:

PART 12—ADMINISTRATIVE AND AUDIT REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

1. The authority citation for part 12 is revised to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 6101 note, 7501; 41 U.S.C. 252a, 701 *et seq.*; sec. 505, Pub. L. 104-46, 109 Stat. 419; sec. 307, Pub. L. 104-134, 110 Stat. 1321; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12674, 3 CFR, 1989 Comp., 215; E.O. 12689, 3 CFR, 1989 Comp., p. 235; E.O. 12731, 3 CFR, 1990 Comp., p. 306; OMB Circular A-102; OMB Circular A-110; OMB Circular A-128; and OMB Circular A-133.

2. Section 12.700 is revised to read as follows:

§ 12.700 Scope.

This subpart implements section 307 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134, 110 Stat. 1321) and section 505 of the Energy and Water Development Appropriations Act, 1996 (Public Law 104-46, 109 Stat. 419). For awards made under the

authority of section 307(a) of Public Law 104-134, this subpart requires that no funds made available in the Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 31, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act"). It applies to procurement contracts under grants and cooperative agreements which provide for the purchase of equipment and products. Section 505 of Public Law 104-46, 109 Stat. 419, only applies to awards made by the Bureau of Reclamation. In addition, for these awards, there is only a requirement that in providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the Secretary, to the greatest extent practicable, will provide to the entity a notice describing a statement within the Act made by Congress. This statement concerns the sense of the Congress that to the greatest extent practicable, all equipment and products purchased with funds made available in the Act, should be American-made. Therefore, for Fiscal Year 1996 awards, only the requirements in §§ 12.700 and 12.710 will apply to awards made by the Bureau of Reclamation.

3. Paragraphs (a), (b), and (c) of § 12.710 are revised to read as follows:

§ 12.710 Policy.

(a) In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available under Public Law 104-134, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In awarding financial assistance under Public Law 104-134, 110 Stat. 1321, bureaus and offices excluding the Bureau of Reclamation will provide to each recipient of the assistance the following notice:

Notice

Pursuant to Sec. 307 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, Public Law 104-134, 110 Stat. 1321, please be advised on the following:

In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) In awarding financial assistance using funds made available under Public Law 104-46, to the greatest extent practicable, the Bureau of

Reclamation will provide to each recipient of the assistance the following notice:

Notice

Pursuant to Sec. 505 of the Energy and Water Development Appropriations Act, 1996, Public Law 104-46, 109 Stat. 419, please be advised of the following:

It is the sense of the Congress, that to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

* * * * *

[FR Doc. 96-19007 Filed 7-25-96; 8:45 am]

BILLING CODE 4310-RF-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 93-22; CC Docket No. 96-146; FCC 96-289]

Interstate Pay-Per-Call and Other Information Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission adopted this Order to amend its rules governing the provision of interstate pay-per-call and other information services to conform with the requirements of Section 701 of the Telecommunications Act of 1996 which amended Section 228 of the Communications Act of 1934, as amended. The rules adopted in the Order incorporate the amendments to Section 228 virtually verbatim and are intended to protect consumers from abuses involving use of toll-free numbers and tariffed service systems to levy charges for interstate information services.

EFFECTIVE DATE: December 23, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Romano, Enforcement Division, Common Carrier Bureau, (202) 418-0960.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Order in CC Docket Nos. 93-22 and 96-146 [FCC 96-289], adopted June 28, 1996 and released July 11, 1996. The full text of the Order is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. The full text of this Order may also be purchased from the Commission's duplicating contractor, International Transcription Services, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800. For a document