

List of Subjects in 47 CFR Part 43

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

Shirley S. Suggs,

Chief, Publications Branch.

[FR Doc. 97-25680 Filed 9-30-97; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 16, 36, 37, and 52

Federal Acquisition Regulation; Corrections

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Corrections and technical amendments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are issuing corrections and technical amendments to documents previously published in the **Federal Register** in order to meet the October 1, 1997, deadline for issuance of title 48 of the Code of Federal Regulations. Corrections are being made to provisions relating to the types of contracts available to the Government and contractors, construction and architect-engineer contracts, and service contracting.

EFFECTIVE DATE: October 1, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Fayson at (202) 501-4786, General Services Administration, FAR Secretariat, Washington, DC 20405.

List of Subjects in 48 CFR Parts 16, 36, 37, and 52

Government procurement.

Corrections

The authority citation for 48 CFR part 16 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 16—TYPES OF CONTRACTS

1. At 48 CFR 16.402-1, paragraph (b) introductory text is corrected to read as follows:

16.402-1 Cost incentives.

* * * * *

(b) Except for award-fee contracts (see 16.404 and 16.405-2), incentive contracts include a target cost, a target profit or fee, and a profit or fee adjustment formula that (within the constraints of a price ceiling or minimum and maximum fee) provides that—

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PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

36.602-1 [Technical amendment]

2. At 62 FR 44812, August 22, 1997, in the first column, instruction 18 is corrected to read as follows:

18. Section 36.602-1 is amended by revising paragraph (a)(2), and removing paragraph (a)(6) and redesignating (a)(7) as (a)(6) to read as follows:

PART 37—SERVICE CONTRACTING

37.103 [Corrected]

3. At 62 FR 44815, August 22, 1997, in the second column, instruction 10 is revised to read as follows:

10. Section 37.103 is amended by redesignating paragraph (c) as (d) and adding new paragraph (c) to read as follows:

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.247-64 [Corrected]

4. In the Editorial and Technical Changes document appearing in the issue of July 25, 1997 (62 FR 40238), in the third column under section 52.247-64, paragraph (f) is corrected to read as follows:

(f) * * * Office of Costs and Rates, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, Phone: 202-366-4610.

Dated: September 22, 1997.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 97-25684 Filed 9-30-97; 8:45 am]

BILLING CODE 6820-EP-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards

CFR Correction

In Title 49 of the Code of Federal Regulations, parts 400 to 999, revised as

of October 1, 1996, make the following correction:

On page 482, in § 571.208, in the first column, paragraph S4.5.3.5 should be added immediately following paragraph S4.5.3.4 to read as follows:

S4.5.3.5 A replacement automatic belt shall meet the requirements of S4.1(k) of Standard No. 209.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1241

[Ex Parte No. 431 (Sub-No. 2)]

Review of the General Purpose Costing System

AGENCY: Surface Transportation Board.

ACTION: Policy Statement; Final Rules; Request for Comments.

SUMMARY: The Surface Transportation Board (Board) is modifying the procedures used to determine the variable costs associated with certain types of rail movements; discontinuing the collection of data on switching and terminal companies; and requesting comments on a modification of the procedure for determining the variable cost of using privately-owned rail cars.

DATES: The amendments to 49 CFR part 1241, and the policy statement revising the procedures for costing intermodal traffic and the train switching conversion factor, are effective October 1, 1997. The policy statement modifying the costing of privately-owned cars is effective December 1, 1997; if this effective date is delayed, timely notice will be published in the **Federal Register**.

Comments are due October 31, 1997.

ADDRESSES: Send an original and 10 copies of comments referring to Ex Parte No. 431 (Sub-No. 2) to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, D.C. 20423-001.

FOR FURTHER INFORMATION CONTACT: Thomas J. Stilling, (202) 565-1567.

[TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: To provide consistent and comparable information on railroad costs, the Board maintains a general purpose costing system known as the Uniform Railroad Costing System (URCS). This rulemaking was instituted to review the procedures used by the URCS to develop the variable cost of providing

rail service. As a result of the comments received, the Board is discontinuing the collection of cost data on switching and terminal companies found in 49 CFR 1241.14. The Board is also adopting certain modifications to the procedures used to develop the costs associated with movements of intermodal traffic and revising the train switching conversion factor used in its costing procedures. All other proposals previously made in this proceeding are withdrawn. (The Board's decision may be reviewed at the agency's offices in Washington, DC during normal business hours and is available for a charge by calling DC NEWS & DATA INC. at (202) 289-4357.) Finally, as discussed below, the Board modifies the procedures for determining the variable cost of using privately-owned rail cars (an issue which has not been previously noticed for comment), subject to receiving no objections within 30 days.

Privately-Owned Car Costing

In the past, with the exception of unit-coal trains, the Board developed the variable cost associated with using privately-owned rail cars by applying an average car rental cost for privately-owned cars if no mileage rate for that particular car was shown in the Car Hire Rate Master (CHARMS) file.¹ In its comments in Ex Parte No. 347 (Sub-No. 2), *Rate Guidelines—Non-Coal Proceedings*,² the AAR pointed out that more than 43% of all U.S.-based rail cars are now owned by entities other than railroads, and that increasingly shippers that provide their own cars obtain lower rates in return for the railroad not incurring any cost for the use of the privately-owned cars.

In view of this current practice, we believe that more accurate costs will be obtained by applying a zero car rental cost to privately-owned cars that do not have mileage rates shown in CHARMS. Thus, we will tentatively modify our costing procedures to assume that all privately-owned car types that show no mileage allowance in the CHARMS file incur no car cost, except for railroad-owned pool cars (for which an allowance is always paid).³ For such pool cars, we will continue to use an average car rental cost, because it is the best estimate available to us. Absent the

¹ The CHARMS file is maintained by the Association of American Railroads (AAR) and contains all car-hire rates.

² See Verified statement of Rockey and Railroad Costing Officers at 17, filed Feb. 20, 1996.

³ Railroad-owned pool cars are cars that are owned by companies that are themselves owned and controlled by the railroads. Railroad-owned pool cars are generally committed to pools for the benefit of certain shippers. A rental rate is paid for the use of these cars.

receipt of comments voicing opposition to this modification within 30 days of this decision, it will become a permanent change effective December 1, 1997. If the effective date of this modification is delayed, timely notice will be published in the **Federal Register**.

The Board certifies that the new procedures will not have a significant economic effect on a substantial number of small entities. The impact on small entities, if any, will be to provide them with better cost estimates.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1241

Administrative practice and procedure, Railroads.

Decided: September 19, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, 49 CFR Chapter X is amended as set forth below:

PART 1241—ANNUAL, SPECIAL, OR PERIODIC REPORTS—CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

1. The authority citation for part 1241 is revised to read as follows:

Authority: 49 U.S.C. 11145.

§ 1241.14 [Removed]

2. Section 1241.14 is removed.

[FR Doc. 97-26029 Filed 9-30-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 970318057-7158-02; I.D. 022097C]

RIN 0648-AJ42

Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 1997 Summer Flounder Fishery; Correction

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

ACTION: Correction to final rule.

SUMMARY: NMFS issued a final rule which was published in the **Federal Register** on July 11, 1997 (62 FR 37154). This final rule implemented management measures for the 1997 summer flounder recreational fishery and also made minor technical changes to 50 CFR part 648 that were unrelated to the implementing management measures. The technical changes included the redesignation of two paragraphs. As a result of the redesignation, several errors occurred in cross-references to these renumbered paragraphs. This document corrects those cross-references.

DATES: Effective July 8, 1997.

FOR FURTHER INFORMATION CONTACT: Mary Tokarcik, 978-281-9326.

SUPPLEMENTARY INFORMATION:

Background

NMFS is correcting the final regulations published on July 11, 1997 (62 FR 37154). In addition to implementing management measures for the 1997 summer flounder recreational fishery, the final rule made minor technical changes to 50 CFR part 648 that were unrelated to implementing the management measures. The technical changes merely corrected omissions and errors that occurred in making earlier revisions to the consolidated Northeast fisheries regulations. A final rule published on April 1, 1997 (62 FR 15381) was worded as if a paragraph (j) was added to § 648.82, when in effect it actually inadvertently overwrote the original paragraph (j). In the July 11, 1997, final rule, paragraph (j) was redesignated as (k) and the original (j) was added to § 648.82. In § 648.82, cross-references to (j) were revised to reflect its redesignation.

Need for the Correction

The final rule published July 11, 1997, revised the cross-references discussed above contained in § 648.82. However, the cross-references to paragraph § 648.82(k) were not revised in the definition of "Days-at-Sea (DAS)" in § 648.2, and paragraphs 648.4(c)(2)(iii)(B) and 648.10(f)(2). This correction document revises those cross-references to reflect accurately the redesignated paragraph (k).

Correction

Accordingly, the publication on July 11, 1997, of the final regulations (I.D. 022097C), which was the subject of FR Doc. 97-18117 is corrected as follows:

Correction to Preamble

On page 37155, in the third column, fifth paragraph, add the following