

SBI to exceed its upper banding limitations established in §§ 61.47 (e) and (f) of this part, or that will cause the composite average residential rate to exceed its limitation on upward pricing flexibility established in § 61.47(g) of this part, must be made on at least 120 days' notice, or such other maximum period of notice permitted by section 203(b) of the Communications Act, regardless of whether petitions under § 1.773 of the Commission's Rules have been filed.

Federal Communications Commission.

Donna R Searcy,
Secretary.

[FR Doc. 91-3485 Filed 2-13-91; 8:45 am]

BILLING CODE 6712-01-M

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Part 1537

[FRL-3905-4]

Acquisition Regulation Concerning Advisory and Assistance Services

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule revises the Environmental Protection Agency Acquisition Regulation (EPAAR) to make coverage on the use of advisory and assistance services consistent with the Federal Acquisition Regulation (FAR) and applicable Office of Management and Budget (OMB) guidance. The rule provides guidance concerning the EPA office responsible for making the initial determination of whether requested services are advisory and assistance, required documentation to support the determination, and necessary approvals. Previous references in the EPAAR to "consulting services" and examples of consulting services are deleted since they are inconsistent with current FAR and OMB guidance.

EFFECTIVE DATE: March 18, 1991.

FOR FURTHER INFORMATION CONTACT: Marilyn Torpey, (202) 245-3941, (FTS) 245-3941.

SUPPLEMENTARY INFORMATION:

A. Background

The regulation was published as a proposed rule on November 21, 1990 (55 FR 48659), with comments due by December 21, 1990. No comments were received. This rule modifies the EPAAR to be consistent with the terminology and guidance in FAR subpart 37.2 and

OMB Circular A-120. As specified in FAR 37.206, the rule indicates the office initiating the request for services will make the initial determination of whether services are advisory and assistance, and provide a justification as required by FAR 37.206. Types of advisory and assistance services are listed in FAR 37.203. EPAAR subpart 1537.203, which listed examples of consulting services based on the 1980 version of the OMB Circular A-120, is removed. The rule adds coverage indicating that the Assistant Administrator for Administration and Resources Management is the designated official who will ensure the acquisition of advisory and assistance services meets the provisions of OMB Circular A-120.

B. Executive Order 12291

The Office of Management and Budget (OMB) Bulletin No. 85-7, dated December 14, 1984, established requirements for OMB review of agency acquisition regulations. This regulation does not fall within any of the categories cited in the bulletin requiring OMB review.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements requiring the approval of OMB under 44 U.S.C. 3501, et seq.

D. Regulatory Flexibility Act

The EPA certifies this rule does not exert a significant economic impact on a substantial number of small entities because the rule does not impose any new requirements on contractors, large or small. An initial regulatory flexibility analysis has therefore not been performed.

List of Subjects in 48 CFR Part 1537

Government procurement, Service contracting.

For the reasons set forth in the preamble, 48 CFR part 1537 is amended as follows:

PART 1537—[AMENDED]

1. The authority citation for part 1537 continues to read as follows:

Authority: Sec. 205(c), 63 Stat 390, as amended 40 U.S.C. 486(c).

2. Subpart 1537.2 is revised to read as follows:

Subpart 1537.2—Advisory and Assistance Services

Sec.

1537.200 Scope of subpart.
1537.205 Management controls.

Subpart 1537.2—Advisory and Assistance Services

1537.200 Scope of subpart.

This subpart applies only to the types of services described in FAR 37.203. It does not apply to services which the Contracting Officer has determined are not advisory and assistance.

1537.205 Management controls.

(a) The requesting office shall make the initial determination of whether the requirement is for advisory and assistance services as defined in FAR 37.203. If services are determined to be advisory and assistance, the requesting office shall prepare a procurement request addressing the items shown in FAR 37.206.

(b) The Contracting Officer shall review the initiating office's determination. In the event that the Contracting Officer disagrees with the initiating office's determination, he/she will discuss his/her findings with the initiating office before making a final determination. The Contracting Officer's determination on whether services are advisory and assistance is final.

(c) The Assistant Administrator for Administration and Resources Management has been designated as the official responsible for ensuring that the acquisition of advisory and assistance services meets the provisions in Office of Management and Budget (OMB) Circular A-120.

Dated: February 4, 1991.

John C. Chamberlin,

Director, Office of Administration.

[FR Doc. 91-3597 Filed 2-13-91; 8:45 am]

BILLING CODE 6880-50-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

COST Docket No. 1; Amdt. 1-237]

Organization and Delegation of Powers and Duties

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

ACTION: Final rule.

SUMMARY: The Director, Office of Intelligence and Security, Office of the Secretary of Transportation, is delegated authority to carry out the functions assigned to the Secretary of Transportation by the Aviation Security Improvement Act of 1990, Public Law 101-508, relating to intelligence and security matters for all modes of public

transportation. The Code of Federal Regulations does not reflect this delegation, and therefore a change is necessary.

EFFECTIVE DATE: February 14, 1991.

FOR FURTHER INFORMATION CONTACT: Clyde E. Robbins, Office of Intelligence and Security, S-60, (202) 366-6525, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, or Steve Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, C-50, (202) 366-9307, Department of Transportation, 400 Seventh Street SW., Washington, D C 20590.

SUPPLEMENTARY INFORMATION: This document publishes the delegation to the Director, Office of Intelligence and Security, Office of the Secretary of Transportation, to carry out the functions assigned to the Secretary of Transportation by section 101 of the

Aviation Security Improvement Act of 1990, Public Law 101-508, relating to intelligence and security matters for all modes of public transportation safety.

Since this amendment relates to Departmental management, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register**. Therefore, the delegation is effective upon publication in the Federal Register.

In accordance with the Secretary's authority, the following **change** is made.

List of Subjects in 49 CFR Part 1

Authority delegations, (government agencies), Organization **and functions** (government agencies).

In consideration of the foregoing, part I of title 49, Code of Federal Regulations, is amended to read as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322.

2. Section 1.69 is added to read as follows:

§ 1.69 Delegations to the Director

The Director of Intelligence and Security is delegated authority to:

(a) Carry out the functions assigned to the Secretary by the Aviation Security Improvement Act of 1990, section 101 (Pub. L. 101-508; November 16, 1990) relating to intelligence and security matters for all modes of transportation.

Issued on: February 5, 1991.

Samuel K. Skinner,

Secretary of Transportation.

[FR Doc. 91-3593 Filed 2-13-91; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary
[49 CFR Part 1]
(OST Docket No. / ; Amdt. 1-237)

Organization and Delegation of Powers and Duties

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

ACTION: Final Rule.

SUMMARY: The Director, Office of Intelligence and Security, Office of the Secretary of Transportation, is delegated authority to carry out the functions assigned to the Secretary of Transportation by the Aviation Security Improvement Act of 1990, P.L. 101-508, relating to intelligence and security matters for all modes of public transportation. The Code of Federal Regulations does not reflect this delegation, and therefore a change is necessary.

EFFECTIVE DATE: [Insert date of publication]

FOR FURTHER INFORMATION CONTACT: Clyde E. **Robbins**, Office of Intelligence and Security, S-60, (202) 366-6525, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, or Steve Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, C-50, (202) **366-9307**, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: This document publishes the delegation to the Director, Office of Intelligence and Security, Office of the Secretary of Transportation, to carry out the functions assigned to the Secretary of Transportation by Section 101 of the Aviation Security Improvement Act of 1990, P.L. 101-508, relating to intelligence and security matters for all modes of public transportation safety.

Since this amendment relates to Departmental management, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the Federal Register. Therefore, the delegation is effective upon publication in the Federal Register.

Part of Subject

In accordance with the Secretary's authority, the following change is made.

Part of Subject
Authority delegations; **(Government agencies)**

Organization and Functions (Government agencies)

In consideration of the foregoing, Part I of Title 49, Code of Federal Regulations, is amended to read as follows:

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PART 1 -- AMENDED

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

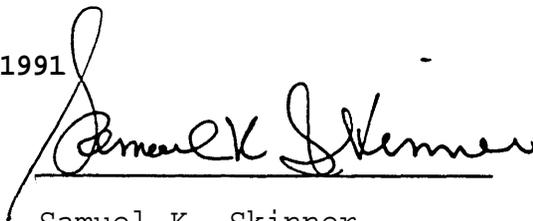
AUTHORITY: 49 U.S.C. 322.

2. Section **1.69** is added to read as follows:

§ 1.69 Delegations to the Director of Intelligence and Security. The Director of Intelligence and Security is delegated authority to:

(a) Carry out the functions assigned to the Secretary by the Aviation Security Improvement Act of 1990, Section 101 (**P.L. 101-508**; November 16, 1990) relating to intelligence and security matters for all modes of transportation.

Issued on: February 5, 1991

A handwritten signature in black ink, appearing to read "Samuel K. Skinner". The signature is written in a cursive style and is positioned above a horizontal line.

Samuel K. Skinner
Secretary of Transportation