

The Commission will publish a document at a later date announcing this effective date.

FOR FURTHER INFORMATION CONTACT: Helene Schrier Nankin, 202-418-1466, Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: Under § 64.604 of the Commission's rules, the TRS must be capable of handling any type of telephone call normally provided by common carriers. The Commission has interpreted this rule to include coin sent-paid calls. The coin sent-paid rule was initially to become effective on July 26, 1993. 47 U.S.C. 225(c) (1996). The Bureau has suspended enforcement of the requirement that common carriers provide coin sent-paid calls through the TRS centers since 1993 based on common carriers' representations that it has been technically infeasible to provide the coin sent-paid service through the TRS centers ("coin sent-paid rule"). Since 1995, carriers have made payphones accessible to TRS users through an Alternative Plan ("Alternative Plan"). The Alternative Plan enables TRS users to make local relay calls for free and to make toll calls from payphones using calling or prepaid cards at or below the coin call rates. The Alternative Plan also requires carriers to educate TRS users about the alternative payment methods that the TRS users can use to make relay calls from payphones. The Bureau directed carriers to file two reports on the effectiveness of the Alternative Plan, due 12 and 18 months after the issuance of the Bureau's order adopting the Alternative Plan ("12 Month Report" and "18 Month Report" respectively). The Bureau listed the two reports on public notice dated May 9, 1997 and received nine comments on June 2, 1997. Commenters disagree on the effectiveness of the Alternative Plan.

In the *Order*, the Bureau suspended the enforcement of the requirement that the TRS be capable of handling coin sent-paid calls for one year until August 26, 1998 because the only technological solution that can provide the coin sent-paid calls through the TRS centers, coin signalling interface ("CSI"), has serious deficiencies and no new technological solution appears imminent. In the *Order*, the Bureau recommends that during the one year suspension, the Commission conduct a rulemaking on coin sent-paid issues to gather information sufficient to ensure that the Commission's final decision on whether the TRS must be capable of handling coin sent-paid calls is based on a complete and fresh record.

In addition, the Bureau directed carriers to continue to make payphones accessible to TRS users under the terms of the Alternative Plan as set forth in the 1995 *Suspension Order*, 60 FR 58626 (Nov. 28, 1995), and as modified by the *Order*. The Bureau required carriers: (1) to send a consumer education letter to TRS centers; (2) to inform organizations representing the hearing and speech disability community before attending their regional and national meetings who will be present at the meeting, where the industry's booth will be located, and at what times the booth will be in operation; and (3) to publish an article in Consumer Action Network ("CAN's") respective organizations' magazines or newsletters. The Bureau also directed carriers to work jointly with the organizations representing the individuals with hearing and speech disabilities to draft a report about the feasibility of executing the other proposals contained in the 18 Month Report, to be submitted to the Commission within two months of the publication of a summary of the *Order* in the **Federal Register**. In particular, the Bureau directed carriers to consult with representatives from organizations that represent the hearing and speech disability community to determine if it would be useful and possible to educate TRS users about the Alternative Plan by: (1) Sending a letter directly to all CAN's members; and (2) creating laminated cards with visual characters that will provide a pictorial explanation to accompany the text describing access to TRS centers from payphones and which can be distributed to TRS users. If carriers found that these actions are feasible, the Bureau directed carriers to take these actions.

The full text of the *Order* is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, Room 239, 1919 M Street, N.W., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc., 2100 M Street, N.W., Suite 140, Washington D.C. 20037, phone 202/857-3800.

List of Subjects in 47 CFR Part 64

Communications common carriers, Handicapped, Individuals with hearing and speech disabilities, Telecommunications relay services.

For the reasons set forth in the preamble, § 64.604(a)(3) is suspended from September 8, 1997 through August 26, 1998.

Federal Communications Commission.

Kent Nilsson,

Deputy Division Chief, Network Services Division, Common Carrier Bureau.

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DEPARTMENT OF DEFENSE

48 CFR Parts 212, 225, 244, and 252 [DFARS Case 96-D333]

Defense Federal Acquisition Regulation Supplement; Application of Berry Amendment

AGENCY: Department of Defense (DOD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has adopted as final, with changes, the interim rule that was published at 62 FR 5779 on February 7, 1997. The rule amends the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8109 of the National Defense Appropriations Act for Fiscal Year 1997. Section 8109 provides that, in applying the Berry Amendment, the term "synthetic fabric and coated synthetic fabric" shall be deemed to include all textile fibers and yarns that are for use in such fabrics; and that the domestic source restrictions of the Berry Amendment shall apply to contracts and subcontracts for the procurement of commercial items.

EFFECTIVE DATE: September 8, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 96-D333.

SUPPLEMENTARY INFORMATION:

A. Background

An interim rule with request for comments was published at 62 FR 5779 on February 7, 1997. The rule amended DFARS Parts 212, 225, 244, and 252 to extend the application of the Berry Amendment domestic source restrictions (10 U.S.C. 2241 note) to textile fibers and yarns that are for use in synthetic fabric and coated synthetic fabric; and to require flow down of the Berry Amendment restrictions to subcontracts for the procurement of commercial items. The interim rule provided an exception to the Berry Amendment restrictions for purchases of fibers and yarns that are for use in synthetic fabric or coated synthetic fabric, if such fabric is to be used as a component of an end item not classified in Federal Supply Group 83 or 84. This

final rule revises the exception for fibers and yarns to apply to those that are for use in synthetic fabric or coated synthetic fabric, if such fabric is to be used as a component of an end item that is not a textile product; and provides examples of textile products, which include, but are not limited to, products in Federal Supply Groups 83 and 84.

Five respondents submitted comments on the interim rule. All comments were considered in developing the final rule.

B. Regulatory Flexibility Act

A final regulatory flexibility analysis has been performed. The analysis is summarized as follows: The legal basis for this rule is the Berry Amendment (10 U.S.C. 2241 note). There were no public comments in response to the initial regulatory flexibility analysis. However, various comments on the interim rule suggested other ways to identify the textile products to which the domestic source restrictions on textile fibers apply. As a result, the final rule uses additional examples to clarify what products are "textile products." This rule is expected to have a positive impact on small entities that provide domestic textile products or specialty metals restricted by the Berry Amendment, because it reduces foreign competition for those items. The rule imposes no new reporting, recordkeeping, or compliance requirements for offerors or contractors. There are no practical alternatives that will meet the requirements of the Berry Amendment.

A copy of the analysis may be obtained by contacting the Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because this final rule does not impose any reporting or recordkeeping requirements that require Office of Management and Budget approval under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 212, 225, 244, and 252

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Interim Rule Adopted as Final With Changes

Accordingly, the interim rule amending 48 CFR parts 212, 225, 244,

and 252, which was published at 62 FR 5779 on February 7, 1997, is adopted as final with the following changes:

1. The authority citation for 48 CFR parts 212, 225, 244, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

2. Section 225.7002-1 is amended by revising paragraph (a)(9) to read as follows:

225.7002-1 Restrictions.

(a) * * *

(9) Any item of individual equipment (Federal Supply Class 8465) manufactured from or containing any of the listed fibers, yarns, fabrics, or materials.

* * * * *

3. Section 225.7002-2 is amended by revising paragraph (j) to read as follows:

225.7002-2 Exceptions.

* * * * *

(j) Purchases of fibers and yarns that are for use in synthetic fabric or coated synthetic fabric (but not the purchase of the synthetic or coated synthetic fabric itself), if such fabric is to be used as a component of an end item that is not a textile product. Examples of textile products, made in whole or in part of fabric, include—

(1) Draperies, floor coverings, furnishings, and bedding (Federal Supply Group 72, Household and Commercial Furnishings and Appliances);

(2) Items made in whole or in part of fabric in Federal Supply Group 83, Textile/leather/furs/apparel/findings/tents/flags, or Federal Supply Group 84, Clothing, Individual Equipment and Insignia;

(3) Upholstered seats (whether for household, office, or other use); and

(4) Parachutes (Federal Supply Class 1670).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 252.225-7012 is amended by revising the clause date and paragraphs (a)(10) and (b)(4) to read as follows:

252.225-7012 Preference for certain domestic commodities.

* * * * *

Preference for Certain Domestic Commodities (Sept. 1997)

(a) * * *

(10) Any item of individual equipment (Federal Supply Class 8465) manufactured

from or containing such fibers, yarns, fabrics, or materials.

(b) * * *

(4) To purchase of fibers and yarns that are for use in synthetic fabric or coated synthetic fabric (but not the purchase of the synthetic or coated synthetic fabric itself), if such fabric is to be used as a component of an end item that is not a textile product. Examples of textile products, made in whole or in part of fabric, include—

(i) Draperies, floor coverings, furnishings, and bedding (Federal Supply Group 72, Household and Commercial Furnishings and Appliances);

(ii) Items made in whole or in part of fabric in Federal Supply Group 83, Textile/leather/furs/apparel/findings/tents/flags, or Federal Supply Group 84, Clothing, Individual Equipment and Insignia;

(iii) Upholstered seats (whether for household, office, or other use); and

(iv) Parachutes (Federal Supply Class 1670).

(End of clause)

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DEPARTMENT OF DEFENSE

48 CFR Part 231

[DFARS Case 95-D714]

Defense Federal Acquisition Regulation Supplement; Cost Principles

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement provisions of the Federal Acquisition Streamlining Act of 1994 pertaining to legislative lobbying costs.

EFFECTIVE DATES: September 8, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 95-D714.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule implements Section 7202 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355). Section 7202 prohibits the expenditure of funds to assist any DoD contractor in preparing any material, report, list, or analysis, with respect to the actual or projected economic or employment impact in a particular State or congressional district of an