

redesignating paragraph (c) as paragraph (b).

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

6. The authority citation for Part 64 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, Telecommunications Act of 1996, Pub. L. 104-104, secs. 402(b)(2)(B), (c), 110 Stat. 56 (1996) unless otherwise noted. Interpret or apply secs. 201, 218, 226, 228, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201, 218, 226, 228 unless otherwise noted.

7. Section 64.804 is amended by revising the first sentence of the introductory text of paragraph (g) to read as follows:

§ 64.804 Rules governing the extension of unsecured credit to candidates or persons on behalf of such candidates for Federal office for interstate and foreign common carrier communication services.

* * * * *

(g) On or before January 31, 1973, and on corresponding dates of each year thereafter, each carrier which had operating revenues in the preceding year in excess of \$1 million shall file with the Commission a report by account of any amount due and unpaid, as of the end of the month prior to the reporting date, for interstate and foreign communications services to a candidate or person on behalf of such candidate when such amount results from the extension of unsecured credit. * * *

PART 65—INTERSTATE RATE OF RETURN PRESCRIPTION PROCEDURES AND METHODOLOGIES

8. The authority citation for Part 65 continues to read as follows:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat., 1066, 1072, 1077, 1094, as amended, 47 U.S.C. 151, 154, 201, 202, 203, 204, 205, 218, 219, 220, 403.

9. Section 65.600 is amended by revising paragraph (b) to read as follows:

§ 65.600 Rate of return reports

* * * * *

(b) Each local exchange carrier or group of affiliated carriers which is not subject to §§ 61.41 through 61.49 of this chapter and which has filed individual access tariffs during the preceding enforcement period shall file with the Commission within three (3) months after the end of each calendar year, an annual rate of return monitoring report which shall be the enforcement period report. Reports shall be filed on the appropriate report form prescribed by the Commission (see s 1.795 of this chapter) and shall provide full and

specific answers to all questions propounded and information requested in the currently effective report form. The number of copies to be filed shall be specified in the applicable report form. At least one copy of the report shall be signed on the signature page by the responsible officer. A copy of each report shall be retained in the principal office of the respondent and shall be filed in such a manner as to be readily available for reference and inspection. Final adjustments to the enforcement period report shall be made by September 30 of the year following the enforcement period to ensure that any refunds can be properly reflected in an annual access filing.

* * * * *

[FR Doc. 97-2703 Filed 2-3-97; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

48 CFR Part 570

[APD 2800.12A, CHGE 74]

RIN 3090-AF92

General Services Administration Acquisition Regulation; Acquisition of Leasehold Interests in Real Property

AGENCY: Office of Acquisition Policy. GSA.

ACTION: Interim rule adopted as final.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) interim rule published at 61 FR 2470, May 16, 1996, is converted to a final rule with changes. The interim rule is amended to revise section 570.106 to reflect changes made as a result of public comments. Section 570.303 of the interim rule is adopted as final without change. The interim rule published at 61 FR 2470, May 16, 1996, authorized the use of design-build select procedures in Section 303M of the Federal Property and Administrative Services Act of 1949, as amended by Public Law 104-106, February 10, 1996, for lease construction projects.

EFFECTIVE DATE: February 10, 1997.

FOR FURTHER INFORMATION CONTACT: Tom Wisnowski, GSA Acquisition Policy Division, (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

Comments on the interim rule published on May 16, 1996, (61 FR 24720) were submitted by the Council on Federal Procurement of Architectural and Engineering Services (COFPAES).

COFPAES recommended revision of section 570.106(c) to more closely reflect statutory language, including circumstances for use of two-phase design-build procedures and specification of all criteria to be considered by the contracting officer. This revision has been incorporated in the final rule.

B. Executive Order 12866

This rule is not a significant rule as defined in Executive Order 12866.

C. Regulatory Flexibility Act

The GSA certifies that this final rule will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because the rule will apply to a very small number of leases per year (less than 25) and the rule simplifies procedures and reduces the cost of competing in the initial phases of a procurement.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

E. Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule under 5 U.S.C. 804. This rule was submitted to Congress and GAO under 5 U.S.C. 804.

List of Subjects in 48 CFR Part 570

Government procurement.

Accordingly, the interim rule amending 48 CFR Part 570 which was published at 61 FR 24720 on May 16, 1996, is adopted as a final rule with the following changes:

PART 570—ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY

1. The authority citation for 48 CFR 570-continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. Section 570.106 is amended by revising paragraphs (c), (c)(1), (c)(2), and (c)(3) to read as follows:

570.106 Methods of contracting

* * * * *

(c) Unless another acquisition procedure authorized by law is used, the design-build selection procedures in section 303M of the Federal Property

and Administrative Services Act of 1949, as amended, shall be used for lease construction projects, including projects with options to purchase the real property leased. The design-build selection procedures in section 303M shall be used when the lease involves the design and construction of a public building, facility or work for lease to the Government when the contracting officer determines that this method is appropriate, based on the following:

- (1) Three or more offers are anticipated;
- (2) A substantial amount of design work will be performed by offerors, that may result in offerors incurring substantial expenses in preparing offers; and
- (3) Criteria, such as the following, have been considered:
 - (i) The extent to which the project requirements have been adequately defined;
 - (ii) The time constraints for delivery of the project;
 - (iii) The capability and experience of potential contractors;
 - (iv) The suitability of the project for use of the two-phase selection procedures;
 - (v) The capability of the agency to manage the two-phase selection process; and
 - (vi) Other criteria established by the head of the contracting activity.

Dated: January 27, 1997.

Ida M. Ustad,

Deputy Associate Administrator, Office of Acquisition Policy.

[FR Doc. 97-2626 Filed 2-3-97; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 578

[Docket No. 97-2; Notice 1]

RIN 2105-AC63

Civil Penalties

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This document specifies the civil penalties for violating NHTSA statutes and regulations, including Federal Motor Vehicle Safety Standards, as adjusted in accordance with the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

DATES: *Effective Date:* The amendments made in this rule are effective March 6, 1997.

FOR FURTHER INFORMATION CONTACT:

Taylor Vinson, Office of Chief Counsel, NHTSA, telephone (202) 366-5263, facsimile (202) 366-3820, electronic mail "TVinson@nhtsa.dot.gov", 400 Seventh Street, SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. The Debt Collection Improvement Act of 1996

In order to preserve the remedial impact of civil penalties and foster compliance with the law, the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990 (Pub. L. 101-410), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134), requires Federal agencies to regularly adjust certain civil penalties for inflation. As amended, the law requires each agency to make an initial inflationary adjustment for all applicable civil penalties, and to make further adjustments at least once every four years of these penalty amounts.

The Debt Collection Improvement Act of 1996 further stipulates that any resulting increases in a civil penalty due to the calculated inflation adjustments (i) should apply only to violations that occur after October 23, 1996—the Act's effective date—and (ii) should not exceed 10 percent of the penalty indicated.

Method of Calculation

Under the Federal Civil Monetary Inflation Adjustment Act as amended, the inflation adjustment for each applicable civil penalty is determined by increasing the maximum civil penalty amount per violation by the cost-of-living adjustment. The "cost-of-living" adjustment is defined as the amount by which the Consumer Price Index (CPI) for the month of June of the calendar year preceding the adjustment exceeds the CPI for the month of June of the year in which the amount of such civil penalty was last set or adjusted pursuant to law. Any calculated increase under this adjustment is subject to a specific rounding formula set forth in the Debt Collection Improvement Act of 1996.

For example, pursuant to section 30165(a) of Title 49 of the United States Code, the National Highway Traffic Safety Administration (NHTSA) may impose a civil penalty of up to \$1,000 per violation against individuals and manufacturers that violate specified provisions of 49 U.S.C. Chapter 301, "Motor Vehicle Safety." This penalty

amount was originally set in 1966. The consumer price index is 456.7 for June 1996 and 97.1 for June 1966. Therefore, the inflation factor is 456.7/97.1 or 4.7. The maximum penalty amount after the increase and statutory rounding would be \$4,700. After applying the 10 percent limit on an initial increase, however, the new maximum penalty amount per violation is \$1,100.

II. NHTSA Civil Penalties Affected by this Adjustment

Title 49 of the United States Code includes several statutory provisions administered by NHTSA under which civil penalties are authorized. Today's final rule specifies these civil penalties, as adjusted pursuant to the Debt Collection Improvement Act of 1996.

A. Motor Vehicle Safety

Chapter 301 of Title 49 of the United States Code imposes a variety of requirements upon manufacturers of motor vehicles and items of motor vehicle equipment and other persons in order to reduce traffic crashes and deaths and injuries resulting from such crashes. Prior to the effective date of today's final rule, violators of Chapter 301 or regulations issued thereunder were subject to a civil penalty of not more than \$1,000 for each violation and not more than \$800,000 for a related series of violations. 49 U.S.C. 30165.

Pursuant to the inflation adjustment methodology included in the Debt Collection Act, today's final rule increases the civil penalty for a violation of Chapter 301 or a regulation prescribed thereunder to \$1,100 per violation, with a maximum of \$880,000 for a related series of violations.

B. National Automobile Title Information System

Chapter 305 of Title 49 of the United States Code and regulations issued thereunder include a number of provisions that facilitate the tracing and recovery of parts from stolen vehicles. Prior to the effective date of today's final rule, violators of Chapter 305 were subject to a civil penalty of not more than \$1,000 for each violation. 49 U.S.C. 30505.

Pursuant to the inflation adjustment methodology included in the Debt Collection Act, today's final rule increases the civil penalty for a violation of Chapter 305 to \$1,100 per violation.

C. Bumper Standards

Chapter 325 of Title 49 of the United States Code was enacted to reduce the economic loss resulting from damage to passenger motor vehicles involved in