

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 64**

[CG Docket No. 10–51; FCC 11–54]

Structure and Practices of the Video Relay Service Program

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission (FCC) is correcting a final rule that appeared in the **Federal Register** of September 26, 2011. The document announces the effective date of rules containing information collection requirements approved by the Office of Management and Budget that were adopted by the FCC to prevent fraud, waste, and abuse in the Video Relay Service (VRS) industry.

DATES: Effective September 26, 2011.

FOR FURTHER INFORMATION CONTACT: Gregory Hlibok, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 559–5158, or email Gregory.Hlibok@fcc.gov.

SUPPLEMENTARY INFORMATION: This document makes the following corrections to the final rule published September 26, 2011, 76 FR 59269:

On page 59270, column 2, correct paragraph (c) to read as follows:

(c) *Data Filed with the Fund Administrator to Support Payment Claims.* TRS providers shall provide the following data associated with each TRS call for which a TRS provider seeks compensation in its filing with the Fund Administrator: (1) The call record ID sequence; (2) CA ID number; (3) session start and end times; (4) conversation start and end times; (5) incoming telephone number and IP address (if call originates with an IP-based device) at the time of call; (6) outbound telephone number and IP address (if call terminates with an IP-based device) at the time of call; (7) total conversation minutes; (8) total session minutes; (9) the call center (by assigned center ID number) that handles the call; and (10) the URL address through which the call was initiated.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**48 CFR Part 1852**

RIN 2700–AD70

Award Fee for Service and End-Item Contracts

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: NASA has adopted, without change, a final rule amending the NASA FAR Supplement (NFS) to update the Award Fee for Service Contracts clause (NFS 1852.216–76) to clarify that the amount of award fee held in reserve, if any, shall not exceed \$100,000 for the contract, and add similar language to the Award Fee for End-Item Contracts clause (NFS 1852.216–77) to allow the contracting officer to withhold fee payments, at a not-to-exceed amount of \$100,000 for the contract, in reserve to protect the Government's interests relative to an orderly and timely closeout of the contract.

DATES: *Effective:* April 26, 2012.

FOR FURTHER INFORMATION CONTACT: Bill Roets, NASA, Office of Procurement, Contract Management Division, Room 5G86; (202) 358–4483; email: william.roets-1@nasa.gov.

SUPPLEMENTARY INFORMATION:**A. Background**

A proposed rule was published on September 15, 2011 (76 FR 57014) updating NFS clause 52.216–76 to clarify that the amount of withheld award fee shall not exceed \$100,000 for the contract revising paragraph (d) of this clause. As currently written, the clause specified a not-to-exceed amount of 15 percent of the contract's potential award fee, and on large multi-million dollar procurements, this reserve could total millions of dollars which would be excessive for the intended purpose of this reserve. By capping this reserve at \$100,000, NASA will set the appropriate maximum dollar amount for this potential reserve and will align this clause with similar language in FAR clauses 52.216–8, Fixed-Fee, and 52.216–10, Incentive Fee. Similar language relative to withholding a reserve amount of fee, not to exceed \$100,000, to protect the Government's interests relative to an orderly and timely closeout of the contract, is also being added to the Award Fee for End Item Contracts clause (NFS 1852.216–77). NASA received no comments on the proposed rule and has adopted the proposed rule as a final rule without change.

B. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, at 5 U.S.C. 601, et seq., because it merely updates, for clarification purposes, the maximum amount of award fee that can be withheld on a contract which will provide a benefit to all entities both large and small. In addition, award fee contracts are largely the province of large businesses with large dollar contracts and the changes promulgated in this final rule do not directly affect the current processes of Federal contractors. No comments from small entities were submitted in reference to the Regulatory Flexibility Act request under the proposed rule.

D. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L., 104–13) does not apply because this final rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 1852

Government procurement.

Sheryl Goddard,

Acting Assistant Administrator for Procurement.

Accordingly, 48 CFR part 1852 is amended as follows:

■ 1. The authority citation for 48 CFR part 1852 continues to read as follows:

Authority: 42 U.S.C. 2455(a), 2473(c)(1).