Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Rule Changes

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 22 as follows:

PART 22—PUBLIC MOBILE SERVICES

■ 1. The authority citation for part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 222, 303, 309 and 332.

■ 2. Add § 22.881 to read as follows:

§ 22.881 Air-Ground Radiotelephone Service subject to competitive bidding.

Mutually exclusive initial applications for general aviation Air-Ground Radiotelephone Service licenses and mutually exclusive initial applications for commercial Air-Ground Radiotelephone Service licenses are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q, of this chapter will apply unless otherwise provided in this subpart.

■ 3. Add § 22.882 to read as follows:

§ 22.882 Designated entities.

(a) Eligibility for small business provisions in the commercial Air-Ground Radiotelephone Service.

(1) A small business is an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than $40 million for the preceding three years.

(2) A very small business is an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than $15 million for the preceding three years.

(b) Bidding credits in the commercial Air-Ground Radiotelephone Service.

(1) A winning bidder that qualifies as a small business, as defined in this section, or a consortium of small businesses may use a bidding credit of 15 percent, as specified in § 1.2110(f)(2)(iii) of this chapter, to lower the cost of its winning bid on a commercial Air-Ground Radiotelephone Service license.

(2) A winning bidder that qualifies as a very small business, as defined in this section, or a consortium of very small businesses may use a bidding credit of 25 percent, as specified in § 1.2110(f)(2)(ii) of this chapter, to lower the cost of its winning bid on a commercial Air-Ground Radiotelephone Service license.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

48 CFR Chapter 12

[Docket No. OST–2004–19899]

RIN 2105–AD28

Re-issuance of the Department of Transportation Acquisition Regulation

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department of Transportation is converting the interim final rule published in the **Federal Register** at 70 FR 6506, on February 7, 2005 to a final rule with changes to amend the Transportation Acquisition Regulation (TAR) due to internal organization changes and the need for minor editorial changes. No comments were received on this rule. This final rule replaces the 1994 edition of the Transportation Acquisition Regulation (TAR) with the 2004 edition.

DATES: This rule is effective January 26, 2006.

FOR FURTHER INFORMATION CONTACT: Elaine Wheeler, Office of the Senior Procurement Executive, M–60, 400 Seventh Street, SW., Washington, DC 20590: (202) 366–4272.

SUPPLEMENTARY INFORMATION:

I. Background

The Department did not receive any comments to its interim final rule on this subject. Accordingly, the interim final rule amending 48 CFR Chapter 12 which was published at 70 FR 6505 on February 7, 2005, is adopted as a final rule without substantive change.

On February 21, 2005, the Department of Transportation was reorganized by, among other changes, establishing two new operating administrations. This is an internal organizational change to the Department not requiring public comment. This final rule includes a change in nomenclature to ensure that the rule includes the present names of DOT operating administrations. In addition, there are few minor editorial corrections.

List of Subjects in 48 CFR Parts 1201, 1202, 1217, 1228, 1252

Government procurement.

This final rule is issued under the delegated authority of the Senior Procurement Executive pursuant to 49 CFR 1.50a(a)(1).

Issued this 16th day of December 2005 at Washington, DC.

David J. Litman,

Senior Procurement Executive.

■ Interim Final Rule Adopted as Final With Changes. Accordingly, DOT adopts the interim final rule which was published in the **Federal Register** at 70 FR 6506, February 7, 2005, as a final rule with the following changes:

■ 1. The authority citation for 48 CFR parts 1201, 1202, 1217, 1228, and 1252 continues to read as follows:

Authority: 5 U.S.C. 301; 41 U.S.C. 418(b); (FAR) 48 CFR 1.3.

PART 1201—FEDERAL ACQUISITION REGULATIONS SYSTEM

■ 2. In 48 CFR 1201.105–2, paragraph (a) is amended by:

■ A. Adding ''PHMSA'' and ''RITA'' in alphabetic order to the list of acronyms; and

■ B. Removing ''RSPA'' from the list of acronyms. The additions read as follows:

§ 1201.105–2 Arrangement of regulations.

* * * * *

(a) General. * * *

PHMSA—Pipeline and Hazardous Materials Safety Administration

RITA—Research and Innovative Technology Administration

* * * * *

PART 1202—DEFINITIONS

■ 3. In 48 CFR 1202.1, the definition for Operating Administration (OA) is amended by revising paragraphs (9) and (10) and adding a new paragraph (11) to read as follows:

§ 1202.1 Definitions.

* * * * *

Operating Administration (OA) means the following components of DOT:

* * *

(9) Pipeline and Hazardous Materials Safety Administration (PHMSA).

(10) Research and Innovative Technology Administration (RITA).

(11) Saint Lawrence Seaway Development Corporation (SLSDC).

* * * * *

PART 1217—SPECIAL CONTRACTING METHODS

§ 1217.7001 [Amended]

■ 4. Amend § 1217.7001(e) by deleting the words ''(TAR) 48 CFR 1252.217''—and adding in their place the words ''(TAR) 48 CFR 1252.217–75.''

PART 1228—BONDS AND INSURANCE

■ 5. In § 1228.306–70, revise paragraph (d) to read as follows:

§ 1228.306–70 Contracts for lease of aircraft.

* * * * *

(d) 49 U.S.C. provides that an aircraft lessor under a lease of 30 days or more is not liable for injury or death of persons, or damage or loss of property unless the aircraft is in the actual possession or control of the lessor and the damage occurs because of the aircraft engine, propeller or the flight of, or an object falling from the aircraft, engine or propeller.

* * * * *

PART 1252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 6. Revise the heading to part 1252 to read as set forth above.

§ 1252.217–75 [Amended]

■ 7. In § 1252.217–75, introductory text, remove the reference ''(TAR) 48 CFR 1217.7001(c) and (d)'' and insert the reference ''(TAR) 48 CFR 1217.7001(c) and (e)'' in its place.

■ 8. Revise the Appendix to Part 1252 to read as follows:

Appendix to Part 1252—Tar Matrix

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TAR MATRIX

Key:

P or C =	Provision or Clause
BR =	Is Incorporation By Reference authorized?
UCF =	Uniform Contract Format Section, when applicable
R =	Required
A =	Required-When-Applicable
O =	Optional
X =	Revision

Principle type and/or purpose of contract:

FP SUP =	Fixed-Price Supply	COM SVC =	Communication Services
CR SUP =	Cost-Reimbursement Supply	DDR =	Dismantling, Demolition, or Removal of Improvements
FP R&D =	Fixed-Price Research & Development		
CR R&D =	Cost-Reimbursement Research & Development	A-E =	Architect-Engineering
FP SVC =	Fixed-Price Service	FAC =	Facilities
CR SVC =	Cost Reimbursement Service	IND DEL =	Indefinite Delivery
FP CON =	Fixed-Price Construction	TRN =	Transportation
CR CON =	Cost Reimbursement Construction	SP =	Small Purchases
T&M LH =	Time & Material/Labor Hours	UTL SVC =	Utility Services
LMV =	Leasing of Motor Vehicles	CI =	Commercial Items

Provision or Clause	Prescribed In	P or C	IBR	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SP	UTL SVC	CI
1252.211-70 Index for Specifications	1211.204-70	C	YES	I	A	A	A				A	A				A		A	A		A		
1252.216-70 Evaluation of Offers Subject to an Economic Price Adjustment Clause	1216.203-470	P	YES	M	A		A		A		A		A	A	A	A	A	A	A	A		A	
1252.216-71 Determination of Award Fee	1216.406-70(a)	C	YES	I		A		A		A		A	A		A	A			A	A			
1252.216-72 Performance Evaluation Plan	1216.406-70(b)	C	YES	I		A		A		A		A	A		A	A			A	A			
1252.216-73 Distribution of Award Fee	1216.406-70(c)	C	YES	I		A		A		A		A	A		A	A			A	A			
1252.216-74 Settlement of Letter Contract	1216.603-4	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	
1252.217-70 Guarantee	1217.7000(a)	C	YES	I					A														
1252.217-71 Delivery & Shifting of Vessel	1217.7000(b)(i)	C	YES	I					A														
1252.217-72 Performance	1217.7000(b)(i)	C	YES	I					A														
1252.217-73 Inspection and Manner of Doing Work	1217.7000(b)(i)	C	YES	I					A														
1252.217-74 Subcontracts	1217.7000(b)(i)	C	YES	I					A														
1252.217-75 Lay Days	1217.7000(c)	C	YES	I					A														
1252.217-76 Liability and Insurance	1217.7000(b)(ii)	C	YES	I					A														

Provision or Clause	Prescribed In	P or C	IBR	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SP	UTL SVC	CI
1252.217-77 Title	1217.7000(b)(ii)	C	YES	I					A														
1252.217-78 Discharge of Liens	1217.7000(b)(ii)	C	YES	I					A														
1252.217-79 Delays	1217.7000(b)(ii)	C	YES	I					A														
1252.217-80 Department of Labor Safety and Health Regulations for Ship Repair	1217.7000(b)(ii)																						
1252.219-70 Small Business and Small Disadvantaged Business Subcontracting Report	1219.708-70	C	YES	I					A														
1252.219-71 Section 8(a) Direct Award	1219.811-3(f)	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	
1252.219-72 Notification of Competition Limited to Eligible 8(a) Concerns Alternate III	1219.811-3(d)(3)	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	
1252.222-70 Strikes or Picketing Affecting Timely Completion of the Contract Work	1222.101-71(a)	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
1252.222-71 Strikes or Picketing Affecting Access to a DOT Facility	1222.101-71(b)	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
1252.223-70 Removal or Disposal of Hazardous Substances - Applicable Licenses and Permits	1223.303	C	YES	I					A	A	A	A	A			A		A			A		
1252.223-71 Accident and Fire Reporting	1223.7000(a)	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
1252.223-72 Protection of Human Subjects	1223.7000(b)	C	YES	I	A	A	A	A	A	A			A						A		A		
1252.223-73 Seat Belt Use Policies and Programs	1223.7000(c)	C	YES	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		R	
1252.228-70 Loss of or Damage to Leased Aircraft	1228.306-70(a)	C	YES	I					A	A			A								A		
1252.228-71 Fair Market Value of Aircraft	1228.306-70(a)	C	YES	I					A	A			A								A		
1252.228-72 Risk and Indemnities	1228.306-70(a)	C	YES	I					A	A			A								A		

Provision or Clause	Prescribed In	P or C	IBR	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SP	UTL SVC	CI
1252.228-73 Notification of Miller Act Payment Bond Protection	1228.106-470	C	YES	I							A	A											
1252.231-70 Date of Incurrence of Costs	1231.205-32(b)	C	YES	I		A		A		A		A											
1252.235-70 Research Misconduct	1235.7000	C	YES	I			R	R															
1252.236-70 Special Precautions for Work at Operating Airports	1236.570	C	YES	I							A	A	A			A	A	A			A	A	
1252.237-70 Qualifications of Contractor Employees	1237.110(a)	C	YES	I					A	A					A							A	
1252.237-71 Certification of Data	1213.7101 1237.7003(a)	P	YES	K					A	A					A				A		A		
1252.237-72 Prohibition on Advertising	1213.7101 1237.7003(a)	C	YES	I					A	A					A				A		A		
1252.237-73 Key Personnel	1237.110(b)	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	
1252.239-70 Security Requirements for Unclassified Information Technology Resources	1239.70	C	YES	I	A	A	A	A	A	A	A	A	A		A		A	A	A	A		A	
1252.239-71 Information Technology Security Plan and Accreditation	1239.70	P	YES	L	A	A	A	A	A	A	A	A	A		A		A	A	A	A		A	
1252.242-70 Dissemination of Information – Educational Institutions	1242.7000(a)	C	YES	I			A	A															
1252.242-71 Contractor Testimony	1242.7000(b)	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
1252.242-72 Dissemination of Contract Information	1242.7000(c)	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	
1252.242-73 Contracting Officers Technical Representative	1242.7000(d)	C	YES	I	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A			
1252.245-70 Government Property Reports	1245.505-70	C	YES	I	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A			

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