

Dated: December 23, 1994.

Conrad S. Simon,

Acting Deputy Regional Administrator.

[FR Doc. 95-84 Filed 1-3-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5133-3]

Proposed Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (CERCLA), as amended. Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. This settlement is intended to resolve liabilities of one party for costs incurred by EPA at the Chemical Control Site.

DATES: Comments must be provided by February 3, 1995.

ADDRESSES: Comments should be addressed to the U.S. Environmental Protection Agency, Office of Regional Counsel, New Jersey Superfund Branch, room 309, 26 Federal Plaza, New York, New York 10278 and should refer to: In the Matter of the Chemical Control Site: Union Carbide Corporation, U.S. EPA Index No. II CERCLA-94-0111.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Regional Counsel, New Jersey Superfund Branch, room 309, 26 Federal Plaza, New York, New York 10278, (212) 264-6159, Attention: Kristine Leopold.

SUPPLEMENTARY INFORMATION: In accordance with Section 122(i)(1) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the Chemical Control Site which is located in Elizabeth, New Jersey. Section 122(h) of CERCLA provides EPA with authority to consider, compromise, and settle certain claims for costs incurred by the United States.

Union Carbide Corporation will pay a total of \$90,000 under this agreement to reimburse EPA for response costs incurred at the Chemical Control Site.

A copy of the proposed administrative settlement agreement, as well as background information relating to the

settlement, may be obtained in person or by mail from EPA's Region II Office of Regional Counsel, New Jersey Superfund Branch, room 309, 26 Federal Plaza, New York, New York 10278.

Dated: December 23, 1994.

Conrad S. Simon,

Acting Deputy Regional Administrator.

[FR Doc. 95-85 Filed 1-3-95; 8:45 am]

BILLING CODE 6560-50-P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Small Disadvantaged and Women-Owned Businesses

AGENCY: Executive Office of the President, Office of Management and Budget (OMB), Office of Federal Procurement Policy (OFPP).

ACTION: OFPP is requesting comments on its plans to comply with the review requirements of small disadvantaged and women-owned businesses in accordance with the Federal Acquisition Streamlining Act of 1994.

BACKGROUND: The Federal Acquisition Streamlining Act of 1994, Public Law 103-355, provides, in section 7107, that the Administrator for Federal Procurement Policy shall conduct a comprehensive review of Federal laws, in effect on November 1, 1994, to identify and catalogue all of the provisions in such laws that define (or describe for definitional purposes) the following small business concerns: (1) Concerns owned and controlled by socially and economically disadvantaged individuals; (2) minority-owned concerns; (3) concerns owned and controlled by women; and, (4) woman-owned concerns. (In this notice, these 4 categories will also be referred to as disadvantaged and women-owned businesses.) The definitions of concern are those which authorize the participation of such small business concerns as prime contractors or subcontractors in (1) contracts awarded directly by the Federal Government or subcontracts awarded under such contracts, and (2) contracts and subcontracts funded, in whole or in part, by Federal financial assistance under grants, cooperative agreements, or other forms of Federal assistance.

In conducting this review, the Administrator shall provide for the participation in the review by representatives of (1) the Small Business Administration (SBA) (including the Office of the Chief Counsel for

Advocacy); (2) the Minority Business Development Agency (MBDA) of the Department of Commerce; (3) the Department of Transportation (DOT); (4) the Environmental Protection Agency (EPA); and (5) such other executive departments and agencies as the Administrator considers appropriate. The Administrator must also consult with representatives of organizations representing (1) minority-owned business enterprises; (2) women-owned business enterprises; and (3) other organizations that the Administrator considers appropriate.

On the basis of the results of the review, the Administrator is to develop (1) uniform definitions for disadvantaged and women-owned business concerns; (2) uniform agency certification standards and procedures for (A) determinations of whether a small business concern qualifies as a disadvantaged or women-owned business concern under an applicable standard for purposes of the types of contracts and subcontracts referred to above, and (B) reciprocal recognition by an agency of a decision of another agency regarding whether a small business concern qualifies as a disadvantaged or women-owned business concern; and (3) such other related recommendations as the Administrator determines appropriate, consistent with the review results.

Section 7107 requires the Administrator, not later than 60 days after the date of the enactment of the Act, to publish in the **Federal Register** a notice which (1) lists the provisions of law identified in the review carried out during the first 60 days; (2) describes the matters to be developed on the basis of the results of the review; (3) solicits public comment regarding the matters described in the notice for a period of not less than 60 days; and (4) addresses such other matters as the Administrator considers appropriate in order to ensure the comprehensiveness of the review.

Finally, section 7107 requires that not later than May 1, 1996, the Administrator for Federal Procurement Policy shall submit to the Committees on Small Business of the Senate and the House of Representatives a report on the results of the review. The report shall include a discussion of the results of the review, a description of the consultations conducted and public comments received, and the Administrator's recommendations.

PERFORMANCE OF REVIEW: In response to this direction, the Administrator for Federal Procurement Policy, through the Office of Federal Procurement Policy (OFPP), has conducted a review of the

various laws defining the business concerns listed in section 7107, and has formed an informal task force with representatives of the SBA (including its Office of Chief Counsel for Advocacy), the MBDA, the DOT, the EPA, the Department of Defense, the Department of Energy, and the General Services Administration. Additionally, the Administrator has held meetings with representatives of 21 organizations or companies representing minority-owned, women-owned, and other appropriate business enterprises to discuss the review. During these meetings, OFPP has discussed the need for uniform definitions and the desirability of uniform certification standards and procedures.

This review has indicated that there are divergent definitions of the terms section 7107 covers. The primary problem appears to be that while the Small Business Act contains comprehensive definitions of socially and economically disadvantaged small businesses and women-owned small businesses, other statutes contain either differing definitions or similar terms with no definitions. Consequently, to further their program implementation responsibilities, agencies have, in some instances, adopted through the regulatory process definitions which differ from those of the Small Business Act. This tends to cause confusion and inefficiency within the government and within the small business community.

Statutory definitions: It is not always clear from the relevant statutes as to which of the four terms in section 7107 the statutes would apply. However, after reviewing the laws and discussing the issues with representatives of Federal Government agencies and of minority and women-owned businesses, the Administrator has determined that the following provisions of law are relevant to defining (a) concerns owned and controlled by socially and economically disadvantaged individuals; (b) minority-owned concerns; (c) concerns owned and controlled by women; and, (d) woman-owned concerns:

1. Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals and Minority-owned Concerns:

- 10 U.S.C. § 2323(a) (Armed Forces)
- 15 U.S.C. § 637(a)(4) (Small Business Act)
- 15 U.S.C. § 637(a)(5) (Small Business Act)
- 15 U.S.C. § 637(a)(6) (Small Business Act)
- 15 U.S.C. § 637(a)(13) (Small Business Act)
- 15 U.S.C. § 637(a)(14) (Small Business Act)

- 15 U.S.C. § 637(a)(15) (Small Business Act)
- 15 U.S.C. § 637(a)(17) (Small Business Act)
- 15 U.S.C. § 637(d)(3)(C) (Small Business Act)
- 49 U.S.C. § 332 (Transportation)
- 49 U.S.C. § 47113(a) (Transportation)
- Public Law 101-165, Department of Defense Appropriations Act, 1990, Section 9004

2. Concerns Owned and Controlled by Women and Woman-owned Concerns:

- 15 U.S.C. § 632(n) (Small Business Act)
- 15 U.S.C. § 637(d)(3)(D) (Small Business Act)
- 49 U.S.C. § 332 (Transportation)
- 49 U.S.C. § 47113(a) (Transportation)
- Public Law 102-377, Section 304 (a)&(b) Energy and Water Development Appropriations Act, 1993
- Public Law 102-486, the Energy Policy Act of 1992, Section 3021
- Public Law 102-240, Intermodel Surface Transportation Efficiency Act of 1991, Section 1003(b)

Example of Statutory Discrepancy: The Small Business Act, at 15 U.S.C. § 637(d)(3)(D), provides as follows: "The term 'small business concern owned and controlled by women' shall mean a small business concern—(i) which is at least 51 per centum owned by one or more women; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more women; and (ii) whose management and daily business operations are controlled by one or more women." Section 1003(b)(2)(B) of the Intermodel Surface Transportation Efficiency Act of 1991 provides as follows: "Socially and Economically Disadvantaged Individuals.—The term 'socially and economically disadvantaged individuals' has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. § 737(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection." For their respective programs, these two statutes provide differing coverage for women-owned businesses. One provides a separate definition; the other includes women within the definition of socially and economically disadvantaged individuals.

Regulatory definitions: In addition, the following provisions of federal regulations, which represent the implementing guidance of the various federal departments and agencies, are relevant to the interpretation of the statutes cited above:

- 48 CFR Part 19 (Federal Acquisition Regulation System)
- 7 CFR Part 3403 (Agriculture)
- 10 CFR Part 470 (Energy)
- 13 CFR Part 124 (Business Credit and Assistance) (Small Business Administration)
- 48 CFR Part 219 (Federal Acquisition Regulation System) (Defense)
- 49 CFR Part 23 (Transportation)
- 49 CFR Part 265 (Transportation)

Review of statutory definitions: OFPP has reviewed the above listed statutes and regulations. OFPP interprets the provisions of section 7107 as directing the Administrator to recommend a single, uniform definition for socially and economically disadvantaged and minority owned small businesses. It makes the same interpretation regarding small businesses owned and controlled by women and woman-owned small businesses. Consequently, the Administrator does not intend to recommend substantive changes in the definitions of these terms, other than those necessary to arrive at a uniform definition. The Administrator does intend to recommend adoption of a single, uniform definition for small disadvantaged businesses and for women-owned small businesses, respectively. Furthermore, the Administrator currently intends to recommend statutory provisions which would provide that the definitions of these terms contained in the Small Business Act, as it would be amended, would supersede all other similar definitions of these terms contained in various other laws.

Certifications: Certification of firms as eligible participants in a program for small disadvantaged or small women-owned businesses is one of the most important features of such a program. A reliable certification program ensures that only eligible firms participate, while preventing ineligible firms from taking advantage of the program. A certification program that meets this objective may range from the simple to the complex and may, depending on the nature of the program adopted, impose significant administrative and financial burdens on agencies and small businesses. Several issues have been raised regarding possible changes to certification standards and procedures. The preliminary discussions held to date indicate a wide variety of views as to the most desirable method of performing certifications of small businesses as socially and economically disadvantaged and as women-owned. The possible methods of accomplishing this include the following:

- a. Creation of a uniform federal government-wide certification program.

Such a program could be administered by one agency or by several agencies of the government. In any case, once a certification was granted to a business concern, that certification would be good for all other federal departments and agencies for the period of time set for the certification. Potential problems that would have to be addressed include availability of resources to administer the program and availability of local information on applicants.

b. Adoption of certifications by non-federal agencies, possibly state and local governments or private organizations. Such governments or organizations would have to first qualify as applying standards compatible with those of the federal government. After such qualification, they would act in the place of the federal government for purposes of granting certifications or on behalf of the federal government. This might be accomplished either by creating a program granting them the necessary authority or by contracting with them to perform the service for the federal government. Certification by such organizations would be good for all federal departments and agencies for the period of time set for the certification.

c. In addition to the issues of who might grant certifications or how, the question of auditing was also raised. Currently, under the Small Business Act 8(d) program (for subcontractors) and certain Department of Defense programs, businesses can self-certify. If a self-certification program of this type were extended to other federal programs, local certifying authorities, if they were adopted, could engage in an auditing program, whether universal or random in nature. Potential problems that would have to be addressed include utility of the program in preventing "fronts" from exploiting the program and availability of resources to administer the auditing program.

Various aspects of these approaches could also be combined.

MATTERS TO BE DEVELOPED: The Administrator intends to develop recommendations for uniform definitions relating to small disadvantaged businesses and to women-owned small businesses. These definitions will be applicable to all federal departments and agencies in their contracting, grants, and cooperative agreements actions. In addition, the Administrator intends to develop recommendations for a single, uniform system of standards and procedures for federal certification of small disadvantaged and small women-owned businesses. The Administrator also intends to consider whether the

term "socially and economically disadvantaged business" should be changed to some other appropriate term.

PUBLIC COMMENTS: The Administrator solicits the comments of interested agencies and parties regarding their views of the matters to be developed. These comments may include references to additional statutes that the commentor believes relevant, to proposals regarding terms to be used in the uniform definitions, to proposals for ways and means of creating a uniform system of certifications, and suggestions as to what form it should take. Additionally, commentors may address the goals to be achieved by creating uniform definitions and uniform standards and procedures, differences in procurements under contracts, grants, and cooperative agreements, and means of avoiding unnecessary disruption of existing programs.

DATES: Comments in response to this notice should be received at OFPP by close of business on February 20, 1995.

ADDRESSES: Comments should be submitted to the OFPP, New Executive Office Building, Room 9001, 725 17th Street, NW, Washington, DC 20503, Attention: Ms. Linda Mesaros.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Mesaros at 202-395-4821.

Steven Kelman,
Administrator.

[FR Doc. 95-7 Filed 1-3-95; 8:45 am]

BILLING CODE 3110-01-M

FEDERAL RESERVE SYSTEM

City National Bancshares, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may

express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than January 17, 1995.

A. Federal Reserve Bank of Atlanta
(Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *City National Bancshares, Inc.*, Miami, Florida; to acquire 20.6 percent of the outstanding shares of Turnberry Savings & Loan Association, North Miami Beach, Florida, and thereby engage in operating a savings association, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

B. Federal Reserve Bank of St. Louis
(Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *BancorpSouth, Inc.*, Tupelo, Mississippi; to acquire LF Bancorp, Inc., Laurel, Mississippi, and indirectly acquire Laurel Federal Savings and Loan Association, Laurel, Mississippi, and thereby engage in operating a savings association, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 28, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-87 Filed 1-3-95; 8:45 am]

BILLING CODE 6210-01-F

Michael J. Corliss; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank