

AML-MO-100). Missouri proposes revisions to and additional explanatory information for (1) RSMo 444.915.3(3), pertaining to the reclamation of insolvent surety coal sites, (2) 10 CSR 40-9.020(1)(D) and (E), pertaining to priorities of eligible coal lands and waters for reclamation and reimbursement for the cost of reclamation, and (3) Section 884.13(D)(4) of the AML State Reclamation Plan, pertaining to the use of AML State-share funds to establish a future set-aside program in Missouri.

IV. Public Comment Procedures

OSM is reopening the comment period on the proposed Missouri plan amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 884.14 AND 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable plan approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Missouri plan.

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Kansas City Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

V. Procedural Determinations

1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State AMLR plans and revisions thereof since each such plan is drafted and promulgated by a specific State, not by OSM. Decisions on proposed State AMLR plans and revisions thereof submitted by a State are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231-

1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State AMLR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements established by SMCRA or previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 19, 1995.

Nancy L. Shaw,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1803, 1815, and 1852

Addition of Coverage to NASA FAR Supplement on NASA Ombudsman Program

AGENCY: Office of Procurement, National Aeronautics and Space Administration (NASA).

ACTION: Notice of proposed rulemaking.

SUMMARY: To improve communications with interested parties, NASA plans to establish an Ombudsman Program. This rule sets forth a clause for identification of the NASA and installation ombudsmen to be included in solicitations and contracts. The clause is also to serve as the basis for a statement to be included in "Commerce Business Daily" announcements. In addition, the rule amends NASA's coverage on procurement integrity to include the NASA and installation ombudsmen as individuals authorized access to proprietary and source selection information.

DATES: Comments must be received on or before July 24, 1995.

ADDRESSES: Submit comments to Mr. Joseph Le Cren, Analysis Division (Code HC), Office of Procurement, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Le Cren, (202) 358-0444.

SUPPLEMENTARY INFORMATION:

Background

In order to improve communications with interested parties (offerors, potential offerors, contractors), and to facilitate the resolution of concerns in an informal manner, NASA plans to establish an Ombudsman Program. In addition, section 1004(a) of the Federal Acquisition Streamlining Act of 1994, Public Law 103-355, enacted October 13, 1994, requires NASA, under 10 U.S.C. 2304c(e), to appoint a task and delivery order ombudsman where multiple task or delivery order contracts are made. In order to accomplish these things, a NASA Management Instruction has been developed to establish the NASA Ombudsman Program. It is also necessary to amend the NASA FAR Supplement to include a clause to notify offerors, potential offerors, contractors, and industry representatives of the purpose of the NASA Ombudsman Program and to provide the names and telephone numbers of the agency and applicable installation ombudsmen. The rule also proposes to amend the current NASA FAR Supplement coverage on procurement integrity to include the NASA and installation ombudsmen as individuals authorized access to proprietary and source selection information, as needed, to carry out their duties.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) This rule does not impose any reporting or

recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1803, 1815 and 1852

Government procurement.

Deidre A. Lee,

Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1803, 1815 and 1852 are proposed to be amended as follows:

PART 1803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

1. The authority citation for 48 CFR Parts 1803, 1815 and 1852 continue to read as follows:

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

2. In section 1803.104-5, the introductory text of paragraph (c) is revised and paragraph (c)(11) is added to read as follows:

1803.104-5 Disclosure, protection, and marking of proprietary and source selection information.

* * * * *

(c) Government employees serving in the following positions are authorized access to proprietary or source selection information, but only to the extent necessary to perform their official duties:

* * * * *

(11) Duly designated ombudsman.

* * * * *

PART 1815—CONTRACTING BY NEGOTIATION

3. Subpart 1815.70 is added to read as follows:

Subpart 1815.70—Ombudsman

1815.7001 NASA Ombudsman Program.
1815.7002 Commerce Business Daily announcements, solicitations and contracts.

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Subpart 1815.70—Ombudsman

1815.7001 NASA Ombudsman Program.

NASA's implementation of an ombudsman program is in NMI 1210.XX, NASA Ombudsman Program.

1815.7002 Commerce Business Daily announcements, solicitations and contracts.

The contracting officer shall include a statement similar to that contained in the clause at 1852.215-84, Ombudsman, in Commerce Business Daily announcements of competitive procurements. Also, a clause substantially the same as the one at 1852.215-84 shall be included in

Section L of solicitations, including draft solicitations, and in all contracts.

3. Section 1852.215-84 is added to read as follows:

1852.215-84 Ombudsman.

As prescribed in 1815.7002, insert the following clause:

Ombudsman

(XXX 1995)

An ombudsman has been appointed to hear concerns from offerors, potential offerors, and contractors during the preaward and postaward phases of this acquisition. The purpose of the ombudsman is not to diminish the authority of the contracting officer, the Source Selection Board, or the selection official, but to communicate concerns, issues, disagreements, and recommendations of interested parties to the appropriate Government personnel and to work to resolve them. When requested, the ombudsman will maintain strict confidentiality as to the source of the concern. The ombudsman does not participate in the evaluation of proposals, the source selection process, or the arbitration of formal contract disputes. Interested parties are invited to call the installation ombudsman _____ [Insert name] at _____ [Insert telephone number]. Concerns, issues, disagreements, and recommendations which cannot be resolved at the installation may be referred to the NASA ombudsman _____ [Insert name] at _____ [Insert telephone number].

(End of Clause)

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Air Brake Systems; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking, submitted by Rocky Mountain Technology Engineering Corporation, to require that all air braked trailers using adjustable axles be equipped with an automatic pneumatic locking device. According to the petitioner, its device will ensure that the adjustable axles are automatically locked in place while the vehicle is in motion. It will help prevent back injuries now reportedly resulting from the misuse of manual systems. After conducting its review, the agency has determined that the petition should not be granted because measures designed to prevent back injuries and the

unintended movement of adjustable axles do not raise significant safety problems.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-65274.

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard (FMVSS) No. 121, *Air Brake Systems* (49 CFR 571.121), establishes performance requirements for braking systems on vehicles equipped with air brakes. The purpose of the standard is to ensure safe braking performance under normal and emergency braking conditions.

Neither FMVSS No. 121 nor any other FMVSS presently addresses the locking of adjustable axles on trailers.¹ Such adjustable axles are also referred to as slider axles. Adjustable axles can move backward and forward on semi-trailers. Such adjustability allows the axles to be moved so as to balance the loading on the various axles of the trailer. In this way, users of semi-trailers can avoid exceeding the weight limit on each axle. The adjustability also allows the distance between the coupling and the rear axle to be limited in order to improve trailer mobility. Currently, most adjustable axles incorporate a mechanical system for locking the axles in place.

On September 30, 1994, Mr. Larry Wessels, the president of Rocky Mountain Technology Engineering Corporation (Rocky Mountain), submitted a petition for rulemaking requesting that FMVSS No. 121 be amended to require semitrailers with adjustable axles to be equipped with an automatic pneumatic locking system. Such a system would be joined to the air brake system and would allow automatic retraction of the locking pins, provided that the parking spring brakes have been set. A video tape accompanying the petition highlighted two principle differences between present adjustable axle systems and the one described by the petitioner. First, Rocky Mountain's device uses four locking pins instead of two. Second, its device engages automatically through the use of air pressure, rather than manually through the use of lever arms. The petitioner contended that its device would replace manual locking systems, which it claimed fail more readily and frequently result in back injuries when

¹ The Federal Motor Carrier Safety Regulations (FMCSR) issued by the Federal Highway Administration (FHWA) specify that "Adjustable axle assemblies shall not have locking pins missing or disengaged." 49 CFR 393.207.