

303(r), and Sections 0.204(b), 0.283, and 1.45 of the Commission's Rules, 47 CFR 0.204(b), 0.283, and 1.45.

Federal Communications Commission.

**Roy J. Stewart,**

*Chief, Mass Media Bureau.*

[FR Doc. 95-15394 Filed 6-22-95; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF DEFENSE

### 48 CFR Parts 45 and 52

#### Federal Acquisition Regulation; Government Property

**AGENCY:** Department of Defense.

**ACTION:** Notice of public meeting.

**SUMMARY:** The next public meetings of the Government Property Rewrite Team are scheduled for July 12, 1995, and July 13, 1995. Discussion will focus on a draft revised Government Property (Fixed-Price Contracts) clause.

**DATES:** *Public Meetings:* The public meetings will be conducted at the address shown below from 9:30 a.m. to 5:00 p.m., local time, on July 12, 1995, and July 13, 1995.

*Draft Materials:* Drafts of the materials to be discussed at the public meetings will be available no earlier than July 7, 1995, and may be obtained from Ms. Angelena Moy, (PDUSD (A&T) DP/MPI) at Room C-103, 1211 S. Fern St., Arlington, VA 22202-2808

**ADDRESSES:** *Public Meetings:* The public meetings will be held in Room 104, VSE Corporation, 2550 Huntington Ave., Alexandria, VA 22303.

**FOR FURTHER INFORMATION CONTACT:** Ms. Angelena Moy, by telephone at (703) 604-5875, or by FAX at (703) 604-6709.

**SUPPLEMENTARY INFORMATION:** On September 16, 1994, (59 FR 47583) the Director of Defense Procurement, Department of Defense, announced an initiative to rewrite the Federal Acquisition Regulation (FAR) Part 45, Government Property, to make it easier to understand and to minimize the burdens imposed on contractors and contracting officers. The Director of Defense Procurement is providing a forum for an exchange of ideas and information with government and industry personnel by holding public meetings, soliciting public comments, and publishing notices of the public meetings in the **Federal Register**.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

[FR Doc. 95-15255 Filed 6-22-95; 8:45 am]

BILLING CODE 5000-04-M

### 48 CFR Parts 209 and 252

[DFARS Case 92-D344]

#### Defense Federal Acquisition Regulation Supplement; Organizational Conflict of Interest

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The proposed rule published November 1, 1993, at 58 FR 58316, is hereby withdrawn. The rule proposed revisions to the Defense Federal Acquisition Regulation Supplement (DFARS) to add an organizational conflict of interest solicitation provision and contract clause for use in acquisitions for development, production, or testing of a defense acquisition program. These DFARS revisions have been determined to be unnecessary at this time.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, (703) 602-0131.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

[FR Doc. 95-15254 Filed 6-22-95; 8:45 am]

BILLING CODE 5000-04-M

### 48 CFR Part 215

#### Defense Federal Acquisition Regulation Supplement; Field Pricing Reports

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule with request for comment.

**SUMMARY:** The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to increase the threshold for requesting a field pricing report for cost-type proposals from offerors without significant estimating system deficiencies.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before August 22, 1995, to be considered in the formulation of the final rule.

**ADDRESSES:** Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 95-D010 in all correspondence related to this issue.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, (703) 602-0131.

## SUPPLEMENTARY INFORMATION:

### A. Background

This proposed rule implements a recommendation of the Department of Defense Procurement Process Reform Process Action Team. The rule amends DFARS Subpart 15.8 by increasing, from \$1,000,000 to \$10,000,000, the threshold for requesting a field pricing report for cost-type proposals from offerors without significant estimating system deficiencies.

### B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic 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 primarily relates to application of Government resources for field pricing reviews. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments from small entities concerning the affected DFARS subpart will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D010 in correspondence.

### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this proposed rule does not impose any new information collection requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

### List of Subjects in 48 CFR Part 215

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR part 215 is proposed to be amended as follows:

1. The authority citation for 48 CFR part 215 is revised to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

### PART 215—CONTRACTING BY NEGOTIATION

2. Section 215.805-5(a)(1)(A)(3) is amended by revising "\$1 million" to read "\$10 million."

[FR Doc. 95-15253 Filed 6-22-95; 8:45 am]

BILLING CODE 5000-04-M

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 567**

[Docket No. 94-74; Notice 2]

RIN 2127-AE71

**Certification**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Termination of rulemaking proceeding.

**SUMMARY:** This notice terminates rulemaking to amend NHTSA's certification regulation to require the standardized display of a permanent metal vehicle manufacturer's label for all motor vehicles weighing more than 4,536 kg (10,000 lb).

**FOR FURTHER INFORMATION CONTACT:** Dr. Leon DeLarm, Chief, Pedestrian, Heavy Truck and Child Crash Protection Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, (202) 366-4920.

**SUPPLEMENTARY INFORMATION:****I. The Petition**

On August 17, 1992, Michael Robinson, Director of the Michigan Department of State Police, petitioned NHTSA to amend the agency's certification regulations at 49 CFR 567.4 to require that manufacturers' labels on vehicles weighing more than 4,536 kg (10,000 lb) be made of a heavy gauge metal of a specified thickness with raised or recessed letters and numbers, and be riveted to the vehicle. Mr. Robinson also recommended specific locations for the placement of these labels, depending on the type of vehicle involved. Mr. Robinson stated that his petition was prompted by difficulties that the Motor Carrier Division of his Department had encountered in locating information identifying the gross vehicle weight rating (GVWR) and vehicle identification number (VIN) of commercial vehicles. Information identifying a commercial vehicle's GVWR is necessary, Mr. Robinson asserted, for the proper enforcement of the Commercial Driver License (CDL) requirements of the Federal Highway Administration's (FHWA's) Motor Carrier Safety Assistance Program. Under the CDL program, drivers are only licensed to operate vehicles within GVWR ranges for which they are qualified. Mr. Robinson contended that

law enforcement officers often have difficulty determining the GVWRs of commercial vehicles since the labels on those vehicles are often damaged, painted over, or missing because they were not designed or constructed to withstand the rigors of commercial vehicle operation.

**II. The NPRM**

On September 26, 1994, NHTSA published a notice in the **Federal Register** (at 59 FR 49038) announcing that it had granted Mr. Robinson's petition, in part, and was proposing to amend the agency's certification regulations at 49 CFR 567.4 to require that the manufacturer's certification label on vehicles with a GVWR over 4,536 kg (10,000 lb) be made of metal, have raised or recessed letters and numbers, and be riveted or otherwise permanently affixed to the vehicle in locations specified in the petition. In granting the petition, the agency noted that not only would the use of permanent metal labels help to ensure that commercial vehicles are being driven by duly qualified and licensed operators, but it would also improve the accuracy of commercial vehicle GVWR information submitted to the FHWA's SAFETYNET system, which is shared with state personnel who monitor commercial motor carrier operations.

In the notice of proposed rulemaking (NPRM), NHTSA solicited comments on seventeen issues that the agency identified as being raised by the petition. These included questions on:

(1) whether there was a problem with labels on commercial vehicles becoming obliterated, painted over, or otherwise rendered illegible during the service life of the vehicle;

(2) the costs currently incurred by manufacturers in the purchase, printing, and application of labels;

(3) the types of material currently used for the labels on vehicles with a GVWR over 4,536 kg (10,000 lb);

(4) the sizes of the labels currently affixed to those vehicles;

(5) the incremental costs that vehicle manufacturers would incur to purchase, emboss, and affix permanent metal labels with raised or recessed letters and numbers;

(6) the incremental costs, if any, that label manufacturers would incur in producing metal labels with raised or recessed letters and numbers;

(7) the quantities in which vehicle manufacturers currently order labels;

(8) the time that is currently required for vehicle manufacturers to prepare and affix labels;

(9) the time that would be required for vehicle manufacturers to rivet or

otherwise permanently affix metal labels;

(10) the special problems, if any, that vehicle manufacturers would have in affixing permanent metal labels;

(11) whether a particular metal, such as aluminum, stainless steel, etc. should be specified for the labels;

(12) whether a minimum thickness should be prescribed for the labels;

(13) whether a minimum size should be specified for the labels;

(14) whether a minimum height or depth should be specified for the letters and numbers embossed on the labels;

(15) whether any information should be added to or deleted from that currently required to appear on the label;

(16) whether trailers with a GVWR of 4,536 kg (10,000 lb) or less should also meet the requirements proposed for trailers above that weight;

(17) whether NHTSA should require some approach different from the proposed metal label requirement for preserving VIN labels.

**III. Comments**

NHTSA received 142 comments in response to the NPRM. Only five of these supported the proposal. Two of the supporting comments were from law enforcement entities. Lt. Bruce Bugg of the Georgia Public Service Commission stated that from his own experience in enforcing the CDL requirements, and from discussions with other law enforcement officers, he has come to believe that missing and obliterated certification labels are a common problem that could be partially alleviated through the use of more durable, embossed metal plates. The California Highway Patrol (CHP) also supported the metal label requirement because existing non-metallic labels are being removed with increasing frequency in an apparent attempt to circumvent the CDL requirements. Supporting comments were also received from the Wisconsin Department of Transportation and Advocates for Highway and Auto Safety, which expressed agreement with a need for metal certification labels. Additionally, the National Automobile Dealers Association (NADA) expressed support for an improved certification labelling scheme and agreed with the proposal to impose requirements that will assist with theft enforcement and with the administration of motor carrier regulations.

The remaining 137 comments were opposed to the proposal, either in whole or in part. Of these, 117 were essentially identical letters submitted primarily by multi-stage truck manufacturers. Those

comments expressed opposition to the proposal that only metal be used for certification labels, based on the contention that other materials are available that are cheaper, easier to imprint and install, and able to withstand the rigors of commercial use. These comments noted that the adhesive-backed plastic labels with clear protective outer coatings that are in current use cost only about fifty cents apiece, and can be prepared on a typewriter and affixed to the vehicle in a matter of minutes. In contrast, these comments noted that metal labels would be more costly, would require the use of an expensive embossing machine, and would require considerably more time to be riveted onto the vehicle.

In its comment opposing the proposal, Mack Trucks, Inc. noted that unlike the polyester film labels that it currently uses, which cannot be removed from a vehicle without being destroyed, a riveted metal label could be easily removed and transferred to another vehicle. General Motors Corporation (GMC) and Ford Motor Company made similar remarks, and noted that the adoption of a metal label requirement could increase the risk of vehicle theft, since such labels could be used to retag stolen vehicles.

Mack further questioned whether there is really a problem with the existing labels, in view of the fact that 49 CFR 565.4(b) requires a vehicle's "GVWR class" to be encoded into its vehicle identification number (VIN), which is stamped into the vehicle's frame rail and included in a number of other readily visible plates and labels affixed to the vehicle. The American Automobile Manufacturers Association (AAMA) also noted that a vehicle's GVWR can be obtained by decoding its VIN, and that the VIN is found not only on the vehicle's certification label, but also on a separate metal VIN plate that all of its members install. GMC expressed the opinion that requiring the VIN to be not only included in the certification label, but also stamped or engraved on a separate metal plate, would address the problems raised in the petition.

Ford noted that it improved the identification of its medium and heavy duty trucks approximately seven years ago by riveting a metal plate to the left door post of these vehicles on which the VIN was imprinted with embossed letters and numbers. Additionally, Ford prints the VIN and GVWR on a non-metallic self-adhesive label with a protective plastic covering that is affixed to the left door post. This label also includes a bar-coded VIN that a law enforcement officer can scan and down-

load into a computer to minimize transcription errors.

Ford also noted that a long-term solution to the concerns raised in the petition would be realized if the ADVANTAGE I-75 Program and Heavy Vehicle Electronic License Plate (HELP) Program are successfully implemented. The goals of these programs are to reduce congestion, increase efficiency, and enhance the safety of users of major highway corridors through the application of a network of advanced highway, vehicle, and communication technologies. An automatic vehicle identification (AVI) transponder located in the commercial vehicle will transmit an electronic signal that, when decoded, will provide information such as the identity of the motor carrier, the gross weight of the vehicle, and the status of its registration and fuel tax payments.

The Recreational Vehicle Industry Association (RVIA) recommended that recreational vehicles (RVs) be exempted from the proposed metal certification label requirements, on the theory that the operators of RVs are not subject to the CDL requirements, precluding the need for enforcement officers to ascertain the GVWR of those vehicles. In separate comments, RV manufacturers such as Fleetwood and Winnebago took similar positions in opposing the proposed metal label requirements.

Thomas Built Buses expressed the opinion that no benefit would be served by returning to metal certification labels on buses, and that such a step would negate the progress it has made in using non-removable, non-reusable, tamper resistant, adhesive-backed, metallized labels. The AM General Corporation also faulted the proposal in that it would restrict the use of more conventional, and potentially technically superior, methods of vehicle identification. HYDRA-TECH noted that in its experience, plastic adhesive labels with clear protective coatings do not deteriorate and are easier to read than metal tags after several years of service.

The Flxible Corporation stated that it chose an adhesive backed aluminum foil label instead of a riveted rigid metal plate for its VIN tag because the aluminum foil cannot be removed without being completely destroyed. In contrast, Flxible noted that a metal plate may be left undamaged after its rivets are drilled out.

The National Truck Equipment Association (NTEA) noted that the nonmetallic labels in current use offer greater flexibility than metal labels for placement in highly visible locations. The NTEA also noted that non-metallic labels are more resistant to tampering or fraud than metal labels because they are

produced with a self-voiding feature. The NTEA further stated that existing certification labels are sometimes intentionally or inadvertently removed by certain manufacturers and end-users, posing an enforcement problem that will not be resolved by requiring a metal label that is both expensive and difficult to mount.

Navistar International Transportation Corporation stated that the root cause of the problems cited in the petition is the fact that many final stage manufacturers do not install a certification label, even though they are instructed to do so in the documents they are furnished by the incomplete vehicle manufacturer. Navistar believes that this is a problem that merits NHTSA's attention.

The Freightliner Corporation recommended that NHTSA consider establishing a performance standard for adhesion and/or abrasion to ensure legibility and permanent integrity of labels without specifying a material or mounting method.

In response to the specific questions raised in the NPRM, most commenters stated that they are unaware of any problem with existing certification labels becoming obliterated, painted over, or otherwise rendered illegible during the service life of the vehicle. The comments further indicated that the materials most commonly used for certification labels are adhesive-backed plastic sheeting with a clear plastic overlay to preserve the information the labels contain. Some commenters stated that they use heavy aluminum foil with an adhesive backing. Most commenters stated that the certification labels they apply measure 2½ by 5 inches.

Most commenters also stated that they spend between eleven and seventy-five cents apiece for the certification labels that they presently use, and an additional dollar or two for imprinting the required information on the label and installing it on the vehicle. All commenters who addressed the cost issue stated that the costs of preparing and installing an embossed metal certification label would be significantly greater. Cost estimates for this increase ranged from four to fifteen times the amount that manufacturers are currently spending to prepare and apply certification labels. One factor contributing to these greater costs is the expensive embossing equipment that most manufacturers stated they would have to procure. The cost estimates for this equipment ranged from \$5,000 to \$14,000 per machine, with some manufacturers noting that they would have to obtain a separate machine for each of their production facilities. Additional costs were predicted for

retooling door frames and door jambs to provide a flat surface necessary for the secure attachment of metal certification labels. Commenters reported that it currently takes on the average of five to ten minutes to imprint a nonmetallic certification label and install it on a vehicle. The time expenditure predicted for the installation of metal labels was substantially the same, although one commenter noted that additional time would be required to drill the four holes necessary to rivet the label to the vehicle. Based on a total annual production of more than 250,000 vehicles with a GVWR over 10,000 lbs., the NTEA estimated additional material and labor costs approaching twelve million dollars if metal certification labels were required.

Most comments stated that it would be design restrictive to specify the material composition, size, and thickness of certification labels, as well as the height or depth of the characters on those labels, and that these matters should be left up to the vehicle manufacturer, who should have freedom to adapt the labelling requirements to individual circumstances. Most comments further stated that there is no need to specify information other than what is currently required on certification labels. Most comments also recognized that there is a greater need for preserving a vehicle's VIN than the other information found on its certification label.

#### IV. Agency Decision

After reviewing these comments, NHTSA has decided to terminate rulemaking to require the standardized display of a permanent metal certification label for all motor vehicles weighing more than 4,536 kg (10,000 lb). In light of the comments, it is not clear that a significant problem exists with respect to the preservation of GVWR and VIN information on commercial vehicles. Even if such a problem did exist, the comments reveal that it may be attributed to the deliberate removal of certification labels by unscrupulous operators, or the inadvertent failure to install labels by final stage manufacturers, circumstances that would not be addressed by the

proposed rule. Moreover, the comments reveal that it would be more costly for manufacturers to prepare and install metal certification labels in place of the labels in current use, and that metal labels may be more easily removable, potentially exacerbating the problems faced by law enforcement officers in attempting to ascertain a commercial vehicle's GVWR and VIN.

Issued on: June 19, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-15392 Filed 6-22-95; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 649, 650, and 651

[I.D. 061495A]

#### New England Fishery Management Council; Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) will hold a 2-day public meeting to consider actions affecting New England fisheries in the exclusive economic zone.

**DATES:** The meeting will begin on Wednesday, June 28, 1995, at 10 a.m. and on Thursday, June 29, 1995, at 8:30 a.m.

**ADDRESSES:** The meeting will be held at the King's Grant Inn, Route 128 and Trask Lane, Danvers, MA 01923; telephone: (508) 774-6800. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01096-1097; telephone: (617) 231-0422.

**FOR FURTHER INFORMATION CONTACT:** Douglas G. Marshall, Executive Director, (617) 231-0422.

**SUPPLEMENTARY INFORMATION:** The June 28, 1995, session will begin with a Groundfish Committee report on the development of management alternatives for inclusion in Amendment 7 to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP). At this meeting, the Council will finalize proposals to address severely overfished groundfish stocks in the Northeast for public hearing purposes. The Council has identified this agenda item as the priority for this meeting. All other subjects will be addressed only after groundfish discussions are concluded.

If time allows, the following will be discussed at this meeting: Progress on the development of an FMP amendment to allow consolidation of fishing days now allocated to individual vessels in the Atlantic sea scallop fleet; approval of an American lobster stock rebuilding/effort reduction program for review at public hearings; details associated with the draft FMP for Monkfish, such as limited entry criteria, the basis for limited access fishery quotas and trip limits to control bycatch; work to date on an industry proposal to conduct a demonstration project involving sea scallop research, enhancement and aquaculture; and the current structure and role of the Council's advisory committees.

The Council also may hear reports from the Chairman, Council Executive Director, NMFS Regional Director, Northeast Fisheries Science Center liaison, Mid-Atlantic Fishery Management Council liaison, and representatives from the U.S. Coast Guard and the Atlantic States Marine Fisheries Commission.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Douglas G. Marshall (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: June 19, 1995.

**Richard W. Surdi,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95-15459 Filed 6-22-95; 8:45 am]

BILLING CODE 3510-22-F