

determined that this proposed action does not include a mandate that may result in estimated costs of \$100 million or more to state, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401—7671q.

Dated: June 22, 1995.

Dennis Grams,

Regional Administrator.

[FR Doc. 95-16277 Filed 6-30-95; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF DEFENSE

48 CFR Parts 206 and 207

Defense Federal Acquisition Regulation Supplement; Class Justifications and Approvals

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 provide guidance regarding the use of class justifications and approvals for other than full and open competition.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before September 1, 1995, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Mr. R.G. Layser, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 95-D009 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr. R.G. Layser, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule implements a recommendation of the Department of Defense Procurement Process Reform Process Action Team.

Subsection 6.303-1 of the Federal Acquisition Regulation permits execution of justifications and approvals for other than full and open competition on an individual or class basis. This

proposed rule expands DoD guidance on class justifications and approvals to state class justifications may provide for award of multiple contracts extending across more than one program phase.

B. Regulatory Flexibility Act

This 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 use of class justifications and approvals is already permitted by the Federal Acquisition Regulation. This rule merely expands DFARS guidance to address the use of class justifications and approvals for multiple contracts extending across more than one program phase. An Initial Regulatory Flexibility Analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts will also be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D009 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 206 and 207

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 206 and 207 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 206 and 207 is revised to read as follows:

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

PART 206—COMPETITION REQUIREMENTS

2. Section 206.303-1 is amended by adding paragraph (c) to read as follows:

206.303-1 Requirements.

* * * * *

(c) When conditions warrant, a class justification may provide for award of multiple contracts extending across more than one program phase.

PART 207—ACQUISITION PLANNING

3. Section 207.102 is added to read as follows:

207.102 Policy.

When a class justification for other than full and open competition has been approved, planning for competition shall be accomplished consistent with the terms of that approval.

[FR Doc. 95-16161 Filed 6-30-95; 8:45 am]

BILLING CODE 5000-04-M

48 CFR Part 225

Defense Federal Acquisition Regulation Supplement; Tank and Automotive Forging Items

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 add an exception to the foreign source restrictions on the acquisition of forgings.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before September 1, 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-D003 in all correspondence related to this issue.

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

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Subpart 225.71 contains foreign product restrictions which are based on policies designed to protect the defense industrial base. DFARS 225.7102 requires that certain categories of tank and automotive forging items be acquired from domestic sources to the maximum extent practicable. The policy in DFARS 225.7102 does not apply to acquisitions of forgings used for commercial vehicles or noncombat support military vehicles.

This proposed rule excludes forgings purchased as tank and automotive spare parts from the foreign source restrictions of DFARS 225.7102, except when it is known that the parts are for use in tanks only. This exclusion is needed to eliminate the potentially significant administrative burden of screening tank and automotive forging items purchased

as spare parts to determine which parts are to be used in tanks and are, therefore, subject to the foreign source restrictions.

B. Regulatory Flexibility Act

This 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 retains the policy of acquiring tank and automotive forging items from domestic sources to the maximum extent practicable. The new exception only applies to forging items purchased as tank and automotive spare parts, when the end use of the spare parts is unknown. An Initial Regulatory Flexibility Analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart will be also considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D003 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 225

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 225 is proposed to be amended as follows:

1. The authority citation for 48 CFR Part 225 is revised to read as follows:

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

PART 225—FOREIGN ACQUISITION

2. Section 225.7102 is amended by revising the introductory text to read as follows:

225.7102 Policy.

DoD requirements for the following, including acquisitions for items containing the following, shall be acquired from domestic sources (as described in the clause at 252.225-7025) to the maximum extent practicable—

* * * * *

3. Section 225.7103 is amended by revising paragraph (e)(1); redesignating paragraph (e)(2) as (e)(3); and adding paragraph (e)(2) to read as follows:

225.7103 Exceptions.

* * * * *

(e) * * *

(1) Used for commercial vehicles or noncombat support military vehicles;

(2) Purchased as tank and automotive spare parts (except when it is known the spare parts are for use in tanks only); or

* * * * *

[FR Doc. 95-16160 Filed 6-30-95; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[FRA Docket No. RAR-4, Notice No. 11]

RIN 2130-AA58

Railroad Accident Reporting

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of decision to issue a supplemental notice of proposed rulemaking.

SUMMARY: In accordance with a notice published on December 27, 1994 (59 FR 66501), FRA held a public regulatory conference on January 30-February 2, 1995, in Washington, DC to further discuss issues related to its notice of proposed rulemaking (NPRM) on railroad accident reporting (59 FR 42880). Based on the alternative positions advanced at the conference, participants requested that FRA issue a second or supplemental NPRM to address those alternatives. Following

the public regulatory conference, FRA published a notice on February 16, 1995 (60 FR 9001) that confirmed the March 10, 1995 deadline for comments. This notice also postponed FRA's decision whether or not to issue a supplemental NPRM until all comments were received and reviewed by FRA.

Subsequent review of the comments received by FRA revealed that a number of issues require further consideration before they can be properly resolved. FRA therefore believes that a supplemental NPRM would be warranted for the accident reporting rulemaking. The supplemental NPRM will address revised documentation requirements for the proposed Internal Control Plan; calculation of damage costs for rail equipment accidents and incidents for the determination of whether the threshold is met for FRA reporting purposes; and the proposed definition for the classification "worker on duty" as it pertains to "contractors" and "volunteers" performing safety-sensitive functions. FRA is also considering whether or not a meaningful or useful performance standard can be devised. If so, FRA will propose it in the supplemental NPRM.

In order to give interested parties the opportunity to comment, FRA anticipates that an informal public regulatory conference would be held in Washington, DC after issuance of the supplemental NPRM.

FOR FURTHER INFORMATION CONTACT: Marina C. Appleton, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street SW, Washington, DC 20590 (telephone 202-366-0628); or Robert Finkelstein, Chief, Systems Support Division, Office of Safety Analysis, Office of Safety, FRA, 400 Seventh Street SW, Washington, DC 20590 (telephone 202-366-2760).

Issued in Washington, DC, on June 27, 1995.

Jolene M. Molitoris,

Federal Railroad Administrator.

[FR Doc. 95-16244 Filed 6-30-95; 8:45 am]

BILLING CODE 4910-06-P