

Docket Office (TS-793), Rm. NE-G004, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC, 20460," and adding in place thereof the words "Copies of the incorporated material may be obtained from the Non-Confidential Information Center (NCIC) (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room B-607 NEM, 401 M St., SW., Washington, DC, 20460, between the hours of 12 p.m. and 4 p.m. weekdays excluding legal holidays,".

§ 796.3500 [Amended]

c. Section 796.3500(b)(1)(ii) is amended by removing the words "Copies of the incorporated material may be obtained from the TSCA Public Docket Office (TS-793), Rm. NE-G004, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC, 20460," and adding in place thereof the words "Copies of the incorporated material may be obtained from the Non-Confidential Information Center (NCIC) (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room B-607 NEM, 401 M St., SW., Washington, DC, 20460, between the hours of 12 p.m. and 4 p.m. weekdays excluding legal holidays,".

15. In part 799:

PART 799—[AMENDED]

a. The authority citation for part 799 continues to read as follows:
Authority: 15 U.S.C. 2603, 2611, 2625.

b. Section 799.5 is revised to read as follows:

§ 799.5 Submission of information.

Information (letters, study plans, reports) submitted to EPA under this part must bear the Code of Federal Regulations section number of the subject chemical test rule (e.g., § 799.1285 for Cumene) and must be addressed to the Document Control Office (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room G-099, 401 M St., SW., Washington, DC., 20460.

c. Section 799.1285 is amended by revising the second sentence of paragraph (e)(1)(i), and the second sentence of paragraph (e)(2)(i) to read as follows:

§ 799.1285 Cumene.

(e) * * *
(1) * * *
(i) * * * The method is available for public inspection at the Office of the

Federal Register, Suite 700, 800 North Capitol St. Washington, DC, and copies may be obtained from the Non-Confidential Information Center (NCIC) (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room B-607 NEM, 401 M Street, SW., Washington, DC, 20460, between the hours of 12 p.m. and 4 p.m. weekdays excluding legal holidays. * * *

(2) * * *

(i) * * * The method is available for public inspection at the Office of the Federal Register, Suite 700, 800 North Capitol St. Washington, DC, and copies may be obtained from the Non-Confidential Information Center (NCIC) (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room B-607 NEM, 401 M Street, SW., Washington, DC, 20460, between the hours of 12 p.m. and 4 p.m. weekdays excluding legal holidays. * * *

d. Section 799.1575 is amended by revising paragraphs (c)(1)(ii)(C), (c)(2)(ii)(C), and the last sentence in paragraph (c)(3)(ii) and the last sentence in paragraph (d)(2) to read as follows:

§ 799.1575 Diethylenetriamine (DETA).

(c) * * *
(1) * * *
(ii) * * *

(C) These revised EPA-approved modified study plans are available for inspection in the Non-Confidential Information Center (NCIC) (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room B- 607 NEM, 401 M St., SW., Washington, DC, 20460, between the hours of 12 p.m. and 4 p.m. weekdays excluding legal holidays.

(2) * * *
(ii) * * *

(C) These revised EPA-approved modified study plans are available for inspection in the Non-Confidential Information Center (NCIC) (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room B- 607 NEM, 401 M St., SW., Washington, DC, 20460, between the hours of 12 p.m. and 4 p.m. weekdays excluding legal holidays.

(3) * * *
(ii) * * *

(ii) * * * This revised EPA-approved modified study plans are available for inspection in the Non-Confidential Information Center (NCIC) (7407), Office of Pollution Prevention

and Toxics, U.S. Environmental Protection Agency, Room B- 607 NEM, 401 M St., SW., Washington, DC, 20460, between the hours of 12 p.m. and 4 p.m. weekdays excluding legal holidays.

(d) * * *

(2) * * * This revised EPA-approved modified study plans are available for inspection in the Non-Confidential Information Center (NCIC) (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room B-607 NEM, 401 M St., SW., Washington, DC, 20460, between the hours of 12 p.m. and 4 p.m. weekdays excluding legal holidays.

e. Section 799.2155(a)(1) is amended by revising the last sentence to read as follows:

§ 799.2155 Commercial hexane.

(1) * * * Copies of the incorporated material may be obtained from the Non-Confidential Information Center (NCIC) (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room B- 607 NEM, 401 M St., SW., Washington, DC, 20460, between the hours of 12 p.m. and 4 p.m. weekdays excluding legal holidays.

§ 799.4360 [Amended]

d. Section 799.4360(d)(7)(i)(B) is amended by removing the words "copies may be obtained from the EPA TSCA Public Docket Office in Rm. G-004, NE Mall, 401 M St., SW., Washington, DC 20460." and adding in place thereof the words "copies may be obtained from the Non-Confidential Information Center (NCIC) (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room B-607 NEM, 401 M St., SW., Washington, DC, 20460, between the hours of 12 p.m. and 4 p.m. weekdays excluding legal holidays."

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DEPARTMENT OF DEFENSE

48 CFR Part 204, 215, 217, and 243

Defense Federal Acquisition Regulation Supplement; Sequence of Progress Payments and Contract Modifications

AGENCY: Department of Defense (DoD).
ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has amended the Defense Federal Acquisition Regulation Supplement (DFARS) to provide additional guidance regarding identification of accounting classification information in DoD contracts.

DATES: Effective date: July 3, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), 3062 Defense Pentagon, Washington, DC 20301-3062, telephone (703) 602-0131. Please cite DFARS Case 93-D016/95-D012 in all correspondence related to this issue.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS Parts 204, 215, 217, and 243 to require contracting officers to clearly identify accounting classification information in DoD contracts, so that payments to contractors may be made from the appropriate funding source.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of Public Law 98-577 and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Please cite DFARS Case 93-D016/95-D012 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final 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 204, 215, 217, and 243

Government procurement.

Michele P. Peterson

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 204, 215, 217, and 243 are amended as follows:

1. The authority citations for 48 CFR Part 204, 215, 217, and 243 are revised to read as follows:

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

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.7101 is amended by revising the definition of “accounting classification reference number” and by adding a definition of “nonseverable deliverable” to read as follows:

204.7101 Definitions.

Accounting classification reference number (ACRN) means a two position alpha or alpha/numeric control code used as a method of relating the accounting classification citation to detailed line item information contained in the schedule.

* * * * *

Nonseverable deliverable, as used in this subpart, means a deliverable item that is a single end product or undertaking, entire in nature, that cannot be feasibly subdivided into discrete elements or phases without losing its identity.

* * * * *

3. Section 204.7102 is amended by revising the introductory text of paragraph (b) to read as follows:

204.7102 Policy.

* * * * *

(b) The numbering procedures are mandatory for all contracts where separate contract line item numbers are assigned, unless—

* * * * *

4. Section 204.7103-1 is amended by revising the word “three” to read “four” in the introductory text of paragraph (a), and by adding a new paragraph (a)(4) to read as follows:

204.7103-1 Criteria for establishing.

* * * * *

(a) * * *

(4) *Single accounting classification citation.*

(i) Each contract line item shall reference a single accounting classification citation except as provided in paragraph (a)(4)(ii) of this subsection.

(ii) The use of multiple accounting classification citations for a contract line item is authorized in the following situations:

(A) A single, nonseverable deliverable to be paid for with R&D or other funds properly incrementally obligated over several fiscal years in accordance with DoD policy;

(B) A single, nonseverable deliverable to be paid for with different authorizations or appropriations, such

as in the acquisition of a satellite or the modification or production tooling used to produce items being acquired by several activities; or

(C) A modification to an existing contract line item for a nonseverable deliverable that results in the delivery of a modified item(s) where the item(s) and modification are to be paid for with different accounting classification citations.

(iii) When the use of multiple accounting classification citations is authorized for a single contract line item, establish informational subline items for each accounting classification citation in accordance with 204.7104-1(a).

* * * * *

5. Section 204.7104-1 is amended by adding a new paragraph (a)(3) and by revising paragraphs (b)(1) introductory text and (b)(1)(i) to read as follows:

204.7104-1 Criteria for establishing.

* * * * *

(a) * * *

(3) Informational subline items shall be used to identify each accounting classification citation assigned to a single contract line item number when use of multiple citations is authorized (see 204.7103-1(a)(4)(ii)).

(b) *Separately identified subline items.* (1) Subline items will be used instead of contract line items to facilitate payment, delivery tracking, contract funds accounting, or other management purposes. Such subline items shall be used when items bought under one contract line item number—

(i) Are to be paid for from more than one accounting classification. A subline item shall be established for the quantity associated with the single accounting classification citation.

Establish a line item rather than a subline item if it is likely that a subline item may be assigned additional accounting classification citations at a later date. Identify the funding as described in 204.7104-1(a)(3);

* * * * *

6. Section 204.7104-2 is amended by revising the example in paragraph (e)(5); by redesignating paragraphs (e)(7) and (e)(8) as paragraphs (e)(8) and (e)(9), respectively; and by adding a new paragraph (e)(7) to read as follows:

204.7104-2 Numbering procedures.

* * * * *

(e) * * *

(5) * * *

Item No.	Supplies/service	Quantity	Unit	Unit price	Amount
0001	6105-00-635-6568 50380 Ref No 63504-WZ Armature				
0001AA	6105-00-635-6568 50380 Ref No 63504-WZ Armature Motor ACRN:AA	2	Ea	\$2,895.87	\$5,791.74
0001AB	Packaging ACRN:AA	2	Ea	\$289.58	\$579.16

* * * * *
 (7) Informational subline items established to identify multiple accounting classification citations assigned to a single contract line item.

Item No.	Supplies/service	Quantity	Unit	Unit price	Amount
0001	Air Vehicle	1	Ea	\$6,700,000	\$6,700,000
000101	ACRN:AA \$3,300,000				
000102	ACRN:AB \$2,000,000				
000103	ACRN:AC \$1,400,000				

* * * * *
 7. Section 204.7107 is revised to read as follows:

204.7107 Contract accounting classification reference number (ACRN).

(a) When a contract contains more than one accounting classification citation, contracting offices shall use ACRNs. Assigning the ACRNs is the responsibility of the contracting office issuing the contract, basic ordering agreement, or blanket purchase agreement. This authority shall not be delegated. If more than one office will use the contract (e.g., ordering officers, other contracting officers), the contract must contain instructions for assigning ACRNs.

(b) ACRNs are used to process certain contract data through the Military Standard Contract Administration Procedures (MILSCAP) system. The MILSCAP system uses the ACRN to relate certain contract administration records to the accounting classification citation used to obligate funds on the contract. Among these records are the accounting classification trailer record, the supplies schedules data record, and the services line item data record. ACRNs are also used to associate the various record formats of the contract payment notice as described in chapter 9 of the MILSCAP Manual, DoD 4000.25-5-M.

(c) *Procedures for establishing ACRNs.* ACRNs consist of a two position alpha or alpha/numeric code assigned to each discrete accounting classification citation within each contract. ACRNs shall be established in accordance with the following guidelines:

- (1) Do not use the letters I and O.
- (2) In no case shall an ACRN apply to more than one accounting classification citation, nor shall more than one ACRN

be assigned to one accounting classification citation.

(d) *Using the ACRN in the contract.* (1) Show the ACRN as a detached prefix to the accounting classification citation in the accounting and appropriation data block or, if there are too many accounting classification citations to fit reasonably in that block, in section G (Contract Administration Data).

(2) ACRNs need not prefix accounting classification citations if the accounting classification citations are present in the contract only for the transportation officer to cite to Government bills of lading.

(3) If the contracting officer is making a modification to a contract and using the same accounting classification citations, which have had ACRNs assigned to them, the modification need cite only the ACRNs in the accounting and appropriations data block or on the continuation sheets.

(e) *Showing the ACRN in the contract.* If there is more than one ACRN in a contract, all the ACRNs will appear in several places in the schedule (e.g., ACRN:AA).

(1) *Ship-to/mark-for block.* Show the ACRN beside the identify code of each activity in the ship-to/mark-for block unless only one accounting classification citation applies to a line item or subline item. Only one ACRN may be assigned to the same ship-to/mark-for within the same contract line or subline item number unless multiple accounting classification citations apply to a single nonseverable deliverable unit such that the item cannot be related to an individual accounting classification citation.

(2) *Supplies/services column.* (i) If only one accounting classification citation applies to a line item or a subline item, the ACRN may be shown

in the supplies/services column near the item description.

(ii) If more than one accounting classification citation applies to a single contract line item, identify each assigned ACRN and the amount of associated funds using informational subline items (see 204.7104-1(a)).

(3) *Payment instructions.* (i) When a contract line item is funded by multiple accounting classification citations, the contracting officer shall provide adequate instructions in section G (Contract Administration Data), under the heading "Payment Instructions for Multiple Accounting Classification Citations," to permit the paying office to charge the accounting classification citations assigned to that contract line item (see 204.7104-1(a)) in a manner that reflects the performance of work on the contract. If additional accounting classification citations are subsequently added, the payment instructions must be modified to include the accounting classification citations.

(ii) Payment instructions shall provide a methodology for the paying office to assign payments to the appropriate accounting classification citation(s), based on anticipated contract work performance. The method established should be consistent with the reasons for the establishment of the line items. The payment method may be based upon a unique distribution profile devised to reflect how the funds represented by each of the accounting classification citations support contract performance. Payment methods that direct that payments be made from the earliest available fiscal year funding sources, or that provide for proration across accounting classification citations assigned to the line item, or a combination thereof, may be used if that methodology reasonably reflects how

each of the accounting classification citations supports contract performance.

* * * * *

PART 215—CONTRACTING BY NEGOTIATION

8. A new section 215.406-2 is added to read as follows:

215.406-2 Part I—The schedule.

(g) When a contract contains both fixed-priced and cost-reimbursement line items or subline items, the contracting officer shall provide, in Section B, Supplies or Services and Prices/Costs, an identification of contract type specified for each contract line item or subline item to facilitate appropriate payment.

PART 217—SPECIAL CONTRACTING METHODS

9. Section 217.7405 is revised to read as follows:

217.7405 Definitizations.

For each definitization modification, the contracting officer shall include all data required by 243.171.

10. Section 217.7406 is added to read as follows:

217.7406 Contract clause.

Use the clause at 252.217.7027, Price Ceiling, in all undefinitized contract actions and solicitations associated with UCAs. Insert the not-to-exceed amount.

PART 243—CONTRACT MODIFICATIONS

11. Section 243.171 is added to read as follows:

243.171 Obligation or deobligation of funds.

For each contract modification, the contracting officer shall identify, in Section G, Contract Administration Data (Uniform Contract Format), or the contract schedule (Simplified Contract Format), under the heading "Summary for the Payment Office," information sufficient to permit the paying office to readily identify the changes for each contract line and subline item as follows—

(a) The amount of funds obligated by prior contract actions, to include the total cost and fee if a cost-type contract; the target fee at time of contract award if a cost-plus-incentive-fee contract; the base fee if a cost-plus-award-fee contract; or the target price and target profit if a fixed-price incentive contract;

(b) The amount of funds obligated or deobligated by the instant modification, categorized by the types of contracts specified in paragraph (a) of this section; and

(c) The total cumulative amount of obligated or deobligated funds, categorized by the types of contracts specified in paragraph (a) of this section.

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48 CFR Part 225

Defense Federal Acquisition Regulation Supplement; Determinations Under the Buy American Act

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comment.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to expand the guidance regarding public interest exceptions to the Buy American Act.

DATES: Effective Date: July 3, 1995.

Comment date: Comments on the interim 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 94-D313 in all correspondence related to this issue.

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

SUPPLEMENTARY INFORMATION:

A. Background

This interim DFARS rule implements Section 812 of the Fiscal Year 1995 Defense Authorization Act (Pub. L. 103-337). Section 812 adds several factors to the series of factors at 10 U.S.C. 2533 that DoD must consider when determining whether to grant a public interest exception to the Buy American Act (41 U.S.C. 10). In addition, this rule revises the internal DoD approval requirements for granting such exceptions.

B. Regulatory Flexibility Act

This interim 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 DFARS already permits DoD to grant public interest exceptions to the Buy American Act, where the purposes of the Buy American Act are not served. This interim rule merely amends the DFARS guidance to reflect a recent change to the list of considerations at 10 U.S.C. 2533, and to streamline internal DoD approval requirements. 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 94-D313 in correspondence.

C. Paperwork Reduction Act

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

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This action is necessary to implement Section 812 of the Fiscal Year 1995 Defense Authorization Act (Pub. L. 103-337). Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Part 225

Government procurement.

Michelle P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 225 is 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 225.102 is amended by revising paragraph (a)(3) to read as follows:

225.102 Policy.

(a)(2) * * *

(3)(A) Specific public interest exceptions for DoD are in 225.872.

(B) Normally, use the evaluation procedures in 225.105, but consider recommending a public interest exception where the purposes of the