

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

\* \* \* \* \*

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## 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.*

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