

the basis of all relevant matter contained in the entire record before it. The Board shall not hear cases *de novo* or receive new evidence into the record.

### Enforcement Remedies

#### § 9.108 What are the consequences to a contractor of not complying with the Executive Order?

(a) The Executive Order provides that the Secretary shall have the authority to issue orders prescribing appropriate remedies, including, but not limited to, requiring employment of the predecessor contractor's employees and payment of wages lost.

(b) After an investigation and a determination by the Administrator that lost wages or other monetary relief is due, the Administrator may direct that so much of the accrued payments due on either the contract or any other contract between the contractor and the Government shall be withheld in a deposit fund as are necessary to pay the moneys due. Upon the final order of the Secretary that such moneys are due, the Administrator may direct that such withheld funds be transferred to the Department of Labor for disbursement.

(c) If the contracting officer or the Secretary finds that the predecessor contractor has failed to provide a list of the names of employees working under the contract in accordance with § 9.6(c), the contracting officer may take such action as may be necessary to cause the suspension of the payment of funds until such time as the list is provided to the contracting officer.

#### § 9.109 Under what circumstances will ineligibility sanctions be imposed?

(a) Where the Secretary finds that a contractor has failed to comply with any order of the Secretary or has committed willful violations of the Executive Order or these regulations, the Secretary may order that the contractor and its responsible officers, and any firm in which the contractor has a substantial interest, shall be ineligible to be awarded any contract or subcontract of the United States for a period of three years.

(b) Upon order of the Secretary, the names of persons or firms found to be ineligible for contracts in accordance with this section shall be added to the "List of Parties Excluded from Federal Procurement and Nonprocurement Programs," compiled, maintained and distributed by the General Services Administration in accordance with 48 CFR 9.404. No contract of the United States shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or

firms have a substantial interest until three years have elapsed from the date the persons' or firms' name was entered on the electronic version of the list.

### Subpart C—Definitions

#### § 9.200 Definitions.

For purposes of this part:

*Administrator* means the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, and includes any official of the Wage and Hour Division authorized to perform any of the functions of the Administrator under this part.

*Contract* means any prime contract subject wholly or in part to the provisions of the Executive Order.

*Contracting officer* means the individual, a duly appointed successor, or authorized representative who is designated and authorized to enter into contracts on behalf of the Federal agency.

*Executive Order or Order* means Executive Order 12933 (59 FR 53559, October 24, 1994).

*Federal Government* means an agency or instrumentality of the United States which enters into a contract pursuant to authority derived from the Constitution and the laws of the United States.

*Secretary* means the Secretary of Labor or his/her authorized representative.

*Service employee* means any person engaged in the performance of recurring building services other than a person employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in Part 541 of Title 29, Code of Federal Regulations, and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor and such person.

*United States* means the United States and all executive departments, independent establishments, administrative agencies, and instrumentalities of the United States, including corporations, all or substantially all of the stock of which is owned by the United States, by the foregoing departments, establishments, agencies, instrumentalities, and including non-appropriated fund instrumentalities.

#### Appendix A to Part 9—Notice to Building Service Contract Employees

The contract for (type of service) services currently performed by (predecessor contractor) has been awarded to a new contractor. (Successor contractor) will begin performance on (date successor contract begins).

As a condition of the new contract:

fi (Successor contractor) may be required to offer employment to most current contract employees.

fi If you are offered employment on the new contract, you will have at least ten (10) days to accept the offer.

The following factors are reasons why some current employees may not be offered employment on the new contract:

fi Managerial or supervisory employees on the current contract are not entitled to an offer of employment.

fi The new contractor may reduce the size of the current work force. Therefore, only a portion of the existing work force may receive employment offers.

fi The new contractor may have the right to employ some or all of its current employees on the new contract before offering employment to the existing contract employees.

fi Employees whose performance has been unsuitable on the current contract are not entitled to employment with the new contractor.

If you have any questions about your right to employment on the new contract, contact: (Name, address, and telephone # for the contracting officer or the contracting officer's representative)

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Parts 215, 217, and 219

RIN 0596-AB20

#### National Forest System Land and Resource Management Planning

AGENCY: Forest Service, USDA.

ACTION: Notice; reopening of public comment period.

**SUMMARY:** On April 13, 1995, the Forest Service gave notice in the **Federal Register** (60 FR 18886) of a proposed rule comprehensively revising the National Forest System Land and Resource Planning regulations in 36 CFR Part 219 and invited public comment. The comment period of this proposed rule ended July 12, 1995. However, the agency has received numerous requests from reviewers for additional time to complete the review and prepare responses; accordingly, the Forest Service is granting an additional 30-day comment period during which reviewers may submit written comments on the proposed rule.

**DATES:** Comments must be received in writing by August 17, 1995.

**ADDRESSES:** Send written comments to Director, Ecosystem Management (1920), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

**FOR FURTHER INFORMATION CONTACT:**  
Peg Boland, Ecosystem Management  
Staff, 202-205-0917.

Dated: July 13, 1995.

**Gray F. Reynolds,**

*Deputy Chief, National Forest System.*

[FR Doc. 95-17724 Filed 7-14-95; 12:25 pm]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MT25-1-6541b; FRL-5251-9]

### Approval and Promulgation of Air Quality Implementation Plans; Montana

**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, the EPA is proposing action on the revisions to the Montana State Implementation Plan (SIP) submitted by the Governor on May 17, 1994. The submittal included, among other things, revisions to the State's nonattainment new source review (NSR) and prevention of significant deterioration (PSD) permitting regulations and revisions to address other outstanding deficiencies. In the final rules section of this **Federal Register**, the EPA is acting on the State's SIP submittal in a direct final rule without prior proposal because the Agency views this submittal as noncontroversial and anticipates no adverse comments. A detailed rationale for the partial approval/partial disapproval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, then the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this notice should do so at this time.

**DATES:** Comments on this proposed action must be received in writing by August 17, 1995.

**ADDRESSES:** Written comments should be addressed to Vicki Stamper, 8ART-AP, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations:

Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466; and Air Quality Division, Montana Department of Health and Environmental Sciences, P.O. Box 200901, Cogswell Building, Helena, Montana 59620-0901.

**FOR FURTHER INFORMATION CONTACT:**  
Vicki Stamper, 8ART-AP,  
Environmental Protection Agency,  
Region VIII, 999 18th Street, suite 500,  
Denver, Colorado 80202-2466, (303)  
293-1765.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule of the same title which is located in the Rules Section of this **Federal Register**.

Dated: June 23, 1995.

**Jack W. McGraw,**

*Acting Regional Administrator.*

[FR Doc. 95-17213 Filed 7-17-95; 8:45 am]

BILLING CODE 6560-50-P

### 40 CFR Part 180

[PP 0F3834/P621; FRL-4964-6]

### Quizalofop-P Ethyl Ester; Pesticide Tolerance

**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to establish a tolerance for the residues of the herbicide quizalofop-p ethyl ester [ethyl (R)-(2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxy])propanoate], and its acid metabolite quizalofop-p [R-(2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxy])propanoic acid], and the S enantiomers of both the ester and the acid, all expressed as quizalofop-p-ethyl ester, in or on the raw agricultural commodity lentils at 0.05 part per million (ppm). The regulation was requested by the E.I. du Pont de Nemours & Co., Inc., and establishes the maximum permissible level for residues of the herbicide in or on lentils.

**DATES:** Comments, identified by the document control number [PP 0F3834/P621], must be received on or before August 17, 1995.

**ADDRESSES:** By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a

comment concerning this document may be claimed confidential by marking any part or all of that information as Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: [opdocket@epamail.epa.gov](mailto:opdocket@epamail.epa.gov). Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 0F3834/P621]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

**FOR FURTHER INFORMATION CONTACT:** By mail, Robert J. Taylor, Product Manager (PM-25), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6027; e-mail: [taylor.robert@epamail.epa.gov](mailto:taylor.robert@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice, published in the **Federal Register** of February 22, 1990 (55 FR 6311), which announced that the E.I. du Pont de Nemours & Co., Inc., Walkers Mill Bldg., Barley Mill Plaza, Wilmington, DE 19880, had submitted pesticide petition (PP) 1F3951 to EPA proposing that under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), 40 CFR 180.441 be amended by establishing a regulation to permit the combined residues of the herbicide quizalofop ethyl (ethyl-(2-[4-(6-chloroquinoxalin-2-yl)oxy)phenoxy]propanoate)), its metabolite 2-[4-(6-chloroquinoxalin-2-yl)oxy]phenoxy propanoic acid, and conjugates, all