

for both rules from October 6 to October 20, 1995.

DATES: Comments must be received by 4 p.m. mountain time on October 20, 1995.

ADDRESSES: Written comments should be sent to the Minerals Management Service, Building 85, Denver Federal Center, P.O. Box 25165, Mail Stop 3101, Denver, Colorado, 80225-0165, Attention: David S. Guzy.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Procedures Staff, telephone (303) 231-3432, fax (303) 231-3194.

Dated: September 28, 1995.

James W. Shaw,

Associate Director for Royalty Management.

[FR Doc. 95-24671 Filed 10-3-95; 8:45 am]

BILLING CODE 4310-MR-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC-76-1-7141b; FRL-5291-4]

Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to the State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On March 23, 1995, the State of North Carolina, through the North Carolina Department of Environment, Health and Natural Resources, submitted revisions to the North Carolina State Implementation Plan (SIP). These revisions are the adoption of amendments to rules 15A NCAC 2D .0501 Compliance With Emission Control Standards, .0516 Sulfur Dioxide Emissions From Combustion Sources, and .0530 Prevention Of Significant Deterioration. These revisions were the subject of public hearings held on March 28 and 30, 1994. In the final rules section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval 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 proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be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 document should do so at this time.

DATES: To be considered, comments must be received by November 3, 1995.

ADDRESSES: Written comments on this action should be addressed to Mr. Scott M. Martin at the EPA Regional Office listed.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 443, 401 M Street, SW., Washington DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

North Carolina Department of Environment, Health, and Natural Resources, Division of Environmental Management, Raleigh, North Carolina 27626-0535.

FOR FURTHER INFORMATION CONTACT: Mr. Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides, and Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365. The telephone number is 404/347-3555, extension 4216.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this Federal Register.

Dated: August 11, 1995.

Patrick M. Tobin,

Acting Regional Administrator,

[FR Doc. 95-23820 Filed 10-3-95; 8:45 am]

BILLING CODE 6560-50-F

48 CFR Parts 1510, 1532, 1552 and 1553

[FRL-5310-7]

Acquisition Regulation; Monthly Progress Reports and Submission of Invoices

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to amend the

EPA Acquisition Regulation (EPAAR) to revise contract clauses for monthly progress reports, submission of invoices, and other related information.

DATES: Comments should be submitted by December 4, 1995.

ADDRESSES: Environmental Protection Agency, Office of Acquisition Management (3802F), 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Larry Wyborski, Telephone: (202) 260-6482.

SUPPLEMENTARY INFORMATION:

I. Background Information

As a result of an internal assessment of EPA's invoice review process for contracts, the Agency is proposing changes to certain EPAAR clauses and related information. This includes requesting more detailed cost information from contractors in a number of areas, including charges by subcontractors. These changes will enhance EPA's ability to determine whether contract costs are allowable for payment purposes.

II. Executive Order 12866

This is not a significant regulatory action under Executive Order 12866; therefore, no review is required at the Office of Information and Regulatory Affairs within OMB.

III. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection and recordkeeping requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. An OMB control number 2030-0005 has been assigned.

This rule is not estimated to change the annual burden of information collection and recordkeeping requirements, which is estimated to be 43 hours per response.

IV. Regulatory Flexibility Act

This rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. Under invoicing procedures, contractors submit payment requests to the Government based on known costs incurred. Compliance with this requirement will involve minimal cost or effort for any entity, large or small.

V. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) P.L. 104-4, establishes requirements for Federal

agencies to assess their regulatory actions on State, local, and tribal governments and the private sector.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million of more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Private sector costs for this action relate to paperwork requirements and associated man hour expenditures that are far below the level established for UMRA applicability. Thus, the proposed rule is not subject to the requirements of sections 202 and 205 of the UMRA.

List of Subjects in 48 CFR Parts 1510, 1532, 1552 and 1553

Government procurement.

For the reasons set forth in the preamble, Chapter 15 of Title 48 Code of Federal Regulations 1510, 1532, 1552 and 1553 is proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 1510, 1532, 1552 and 1553 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 as amended, 40 U.S.C. 486(c).

1510.011-71 [Removed and reserved]

2. Section 1510.011-71 is removed and reserved.

3. Section 1510.011-72 is revised to read as follows:

1510.011-72 Monthly progress report.

Contracting Officers shall insert a contract clause substantially the same as the clause at 1552.210-72 when monthly progress reports are required.

1510.011-73 [Removed and reserved]

4. Section 1510.011-73 is removed and reserved.

1510.011-74 [Removed and reserved]

5. Section 1510.011-74 is removed and reserved.

6. Section 1532.170 is amended by revising paragraph (b) to read as follows:

1532.170 Forms.

(a) * * *

(b) EPA Form 1900-68, Notice of Contract Costs Suspended and/or Disallowed, at 1553.232-75, shall be inserted in all cost-reimbursement type and fixed-rate type contracts.

* * * * *

7. Section 1532.908 is revised to read as follows:

1532.908 Contract clauses.

The Contracting Officer shall insert a clause substantially the same as that at 1552.232-70 in all solicitations and

contracts for cost reimbursable acquisitions. If a fixed-rate type contract is contemplated, the Contracting Officer shall use the clause with its Alternate I.

1552.210-71 [Removed and reserved]

8. Section 1552.210-71 is removed and reserved.

9. Section 1552.210-72 is revised to read as follows:

1552.210-72 Monthly progress report.

As prescribed in 1510.011-72, insert the following clause:

MONTHLY PROGRESS REPORT (XXX 1995)

(a) The contractor shall furnish _____ copies of the combined monthly technical and financial progress report stating the progress made, including the percentage of the project completed, a description of the work accomplished to support the cost, and a schedule of deliverables for the reporting period. If the work is ordered using work assignments or delivery orders, include the percentage of work ordered and completed during the reporting period for each work assignment or delivery order.

(b) Specific discussions shall include difficulties encountered and remedial action taken during the reporting period and anticipated activity with a schedule of deliverables for the subsequent reporting period.

(c) The contractor shall provide a list of outstanding actions awaiting Contracting Officer authorization, noted with the corresponding work assignment, such as subcontractor/consultant consents, overtime approvals, and work plan approvals.

(d) The report shall specify financial status at the contract level as follows:

(1) For the current reporting period, display the amount claimed.

(2) For the cumulative period and the cumulative contract life display: The amount obligated, amount originally invoiced, amount paid, amount suspended, amount disallowed, and remaining approved amount. The remaining approved amount is defined as the total obligated amount, less the total amount originally invoiced, plus total amount disallowed.

(3) Labor hours.

(i) A list of employees, their labor categories, and the numbers of hours worked for the reporting period.

(ii) For the current reporting period, display the expended direct labor hours and costs broken out by EPA contract labor hour category for the prime contractor and each subcontractor and consultant.

(iii) For the cumulative contract period and the cumulative contract life display: the negotiated, expended and remaining direct labor hours and costs broken out by EPA contract labor hour category for the prime contractor and each subcontractor and consultant.

(iv) Display the estimated direct labor hours and costs to be expended during the next reporting period.

(4) Display the current dollar ceilings in the contract, net amount invoiced, and remaining amounts for the following

categories: Direct labor hours, total estimated cost, award fee pool (if applicable), subcontracts by individual subcontractor, travel, program management, and Other Direct Costs (ODCs).

(5) Unbilled allowable costs. Display the total costs incurred but unbilled for the current reporting period and cumulative for the contract.

(6) Average cost of direct labor. Compare the actual average cost per hour to date with the negotiated contract average for the current contract period.

(e) The report shall specify financial status at the work assignment or delivery order level as follows:

(1) For the current period, display the amount claimed.

(2) For the cumulative period display: amount shown on workplan, or latest work assignment/delivery order amendment amount (whichever is later); amount currently claimed; amount paid; amount suspended; amount disallowed; and remaining approved amount. The remaining approved amount is defined as: the workplan amount or latest work assignment or delivery order amount (whichever is later), less total amounts originally invoiced, plus total amount disallowed.

(3) Labor hours. (i) A list of employees, their labor categories, and the number of hours worked for the reporting period.

(ii) For the current reporting period, display the expended direct labor hours and costs broken out by EPA contract labor hour category for the prime contractor and each subcontractor and consultant.

(iii) For the current reporting period, cumulative contract period, and the cumulative contract life display: the negotiated, expended and remaining direct labor hours and costs broken out by EPA contract labor hour category for the prime contractor and each subcontractor and consultant.

(iv) Display the estimated direct labor hours and costs to be expended during the next reporting period.

(v) Display the estimates of remaining Level of Effort and costs required to complete the work assignment or delivery order.

(4) Unbilled allowable costs. Display the total costs incurred but unbilled for the current reporting period and cumulative for the work assignment.

(5) Average cost of direct labor. Display the actual average cost per hour with the cost per hour estimated in the workplan.

(f) This submission does not change the notification requirements of the "Limitation of Cost" or "Limitation of Funds" clauses requiring separate written notice to the Contracting Officer.

(g) The reports shall be submitted to the following addresses on or before the _____ of each month following the first complete reporting period of the contract. See EPAAR 1552.232-70, Submission of Invoices, paragraph (e), for details on the timing of submittals. Distribute reports as follows:

No. of copies	Addressee
_____	Project Officer.
_____	Contracting Officer.

10. Section 1552.210-73 is removed and reserved.

11. Section 1552.210-74 is removed and reserved.

12. Section 1552.232-70 is revised to read as follows:

1552.232-70 Submission of Invoices.

As prescribed in 1532.908, insert the following clause:

SUBMISSION OF INVOICES (XXX 1995)

In order to be considered properly submitted, an invoice or request for contract financing payment must meet the following contract requirements in addition to the requirements of FAR 32.905:

(a) Unless otherwise specified in the contract, an invoice or request for contract financing payment shall be submitted as an original and five copies. The contractor shall submit the invoice or request for contract financing payment to the following offices/ individuals designated in the contract: the original and two copies to the Accounting Operations Office shown in Block _____ on the cover of the contract; two copies to the Project Officer (the Project Officer may direct one of these copies to a separate address); and one copy to the Contracting Officer.

(b) The contractor shall prepare its invoice or request for contract financing payment on the prescribed Government forms. Standard Forms Number 1034, Public Voucher for Purchases and Services other than Personal, shall be used by contractors to show the amount claimed for reimbursement. Standard Form 1035, Public Voucher for Purchases and Services other than Personal—Continuation Sheet, shall be used to furnish the necessary supporting detail or additional information required by the Contracting Officer. The contractor may submit self-designed forms which contain the required information.

(c)(1) The contractor shall prepare a contract level invoice or request for contract financing payment in accordance with the invoice preparation instructions identified as a separate attachment in Section J of the contract. If contract work is authorized by individual work assignments, the invoice or request for contract financing payment shall also include a summary of the current and cumulative amounts claimed by cost element for each work assignment and for the contract total, as well as detailed supporting data for

each work assignment as identified in the instructions.

(2) The invoice or request for contract financing payment shall include current and cumulative charges by major cost element such as direct labor, overhead, travel, equipment, and other direct costs. For current costs, each major cost element shall include the appropriate supporting schedule identified in the invoice preparation instructions. Cumulative charges represent the net sum of current charges by cost element for the contract period.

(3) The charges for subcontracts shall be further detailed in a supporting schedule showing the major cost elements for each subcontract. The degree of detail for any subcontract exceeding \$5,000 is to be the same as that set forth under (c)(2).

(4) The charges for consultants shall be further detailed in the supporting schedule showing the major cost elements of each consultant. For current costs, each major cost element of the consulting agreement shall also include the supporting schedule identified in the invoice preparation instructions.

(d) Invoices or requests for contract financing payment must clearly indicate the period of performance for which payment is requested. Separate invoices or requests for contract financing payment are required for charges applicable to the basic contract and each option period.

(e) Notwithstanding the provisions of the clause of this contract at FAR 52.216-7, Allowable Cost and Payment, invoices or requests for contract financing payment shall be submitted once per month unless there has been a demonstrated need and Contracting Officer approval for more frequent billings. When submitted on a monthly basis, the period covered by invoices or requests for contractor financing payments shall be the same as the period for monthly progress reports required under this contract. If the Contracting Officer allows submissions more frequently than monthly, one submittal each month shall have the same ending period of performance as the monthly progress report. Where cumulative amounts on the monthly progress report differ from the aggregate amounts claimed in the invoice(s) or request(s) for contract financing payments covering the same period, the contractor shall provide a reconciliation of the difference as part of the payment request.

Alternate I (XXX 1995)

If used in a fixed-rate type contract, substitute the following paragraphs (c) (1) and (2) for paragraphs (c) (1) and (2) of the basic clause:

(c) (1) The contractor shall prepare a contract level invoice or request for contract financing payment in accordance with the invoice preparation instructions identified as a separate attachment in Section J of the contract. If contract work is authorized by individual delivery orders, the invoice or request for contract financing payment shall also include a summary of the current and cumulative amounts claimed by cost element for each delivery order and for the contract total, as well as detailed supporting data for each delivery order as identified in the instructions.

(2) The invoice or request for contract financing payment that employs a fixed rate feature shall include current and cumulative charges by contract labor category and by other major cost elements such as travel, equipment, and other direct costs. For current costs, each cost element shall include the appropriate supporting schedules identified in the invoice preparation instructions.

* * * * *

13. Section 1553.232-75 is revised to read as follows:

1553.232-75 EPA Form 1900-68, Notice of Contract Costs Suspended and/or Disallowed.

As prescribed in 1532.170(b), the Contracting Officer shall insert EPA Form 1900-68 in all cost-reimbursement type contracts.

1553.232-76 [Removed and reserved]


14. Section 1553.232-76 is removed and reserved.

Dated: September 25, 1995.
Betty L. Bailey,
Director, Office of Acquisition.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix—Notice of Contract Costs Suspended or Disallowed

BILLING CODE 6560-50-P

 United States Environmental Protection Agency Washington, DC 20460		PAGE ____ OF ____ PAGES
NOTICE OF CONTRACT COSTS SUSPENDED AND/OR DISALLOWED		
TO: <i>(Name and Address of Contractor)</i>	Contract Number	Date
	Delivery Order Number <i>(If Applicable)</i>	Voucher Number Reference
1. SUSPENDED COSTS , as referred to herein, are costs which, for the reasons stated below, have been determined by the undersigned to be inadequately supported or otherwise questionable, and not appropriate for reimbursement under the contract terms at this time. Such costs may be determined reimbursable after the contractor provides the Contracting Officer and/or Project Officer additional documentation or explanation as specified below. 2. DISALLOWED COSTS , as referred to herein, are costs which, for the reasons stated below, have been determined by the undersigned to be unallowable, that is, not reimbursable under the contract terms. 3. This notice must be responded to by the contractor within 60 days of issuance. Any suspended costs will become disallowed if the contractor does not respond in the time allotted. These disallowed costs should be removed from the contractor's accounting records for this contract. 4. The contractor may not rebill any suspended costs on this form until notified by the Contracting Officer and/or Project Officer on this contract that the suspension has been lifted. 5. If the contractor disagrees with this/these determinations, the contractor may (1) request in writing the cognizant contracting officer to consider whether the unreimbursed costs should be paid and to discuss their findings with the contractor and/or (2) file a claim under the "Disputes" clause of the contract. 6. Copies of this Form 1900-68 should be distributed to the Contracting Officer, Project Officer, RTP Finance, and the applicable Cost Advisory Office.		
A. COST SUSPENSION		Date of Notice
Contracting Officer and/or Project Officer	Name and Title of Authorized Official	Invoice Number
		Signature
ITEM	Description of Items and Reason for Action. Documentation needed in order to rebill suspended costs.	Amount of Costs
B. REMOVAL OF SUSPENSION		Date of Notice
Contracting Officer and/or Project Officer	Name and Title of Authorized Official	Invoice Number
		Signature
ITEM	Description of Items and Reason for Action.	Amount of Costs
C. DISALLOWANCE OF COSTS		Date of Notice
Contracting Officer	Name and Title of Authorized Official	Invoice Number
		Signature
ITEM	Description of Items and Reason for Action.	Amount of Costs
CONTRACTOR'S ACKNOWLEDGMENT OF RECEIPT - The contractor or its authorized representative shall acknowledge receipt of this notice to the Project Officer and/or Contracting Officer.		
Date of Notice	Name and Title of Authorized Official	Signature

EPA Form 1900-68 (Rev. 05-95)

Instructions for EPA Form 1900-68

When a PO or CO identifies costs in a voucher that are to be suspended or disallowed, the Form 1900-68 is used to identify those costs, the associated reasons and to communicate the action to all necessary parties. Examples of costs that a PO might suspend without CO involvement are: math errors, incorrect rates, and a lack of available funding. Examples of costs that CO involvement would be necessary to suspend or disallow costs include lack of authorization to incur costs, unnecessary costs incurred, and excessive costs. Section A, Cost Suspension, may be filled out by either the CO or PO. The PO and/or CO must fill out the Form 1900-68 explaining the suspended amount, sign and date the Form and send it to the contractor. The contractor must fill out the acknowledgement of receipt on the applicable area on Form 1900-68 and return a copy of it to either the PO or CO who made the suspension. A copy of the Form 1900-68 would go to RTP Finance with the Approval Forms package. Copies of the Form 1900-68 would be filed by PO and/or CO and a copy sent to the applicable Cost Advisory Office for use in interim and final audits.

The Form 1900-68 states that the contractor has 60 days to respond to the suspension, or the costs will be considered disallowed and those costs should be transferred to an unallowable account in the contractor's accounting records. If the contractor wishes to respond to the suspension, it must as a minimum furnish documentation specified on the Form 1900-68 for the costs to be considered allowable. The contractor will then resubmit this documentation to the PO and CO for review. Either the CO or PO who originally suspended the costs will consider the documentation and, if it is adequate, they will fill out a revised Form 1900-68 Block B. (Removal of Suspension) for some or all of the costs suspended. Copies of this revised Form 1900-68 would go to the contractor, CO and PO, RTP, FMC, and Cost Advisory Office.

The contractor may rebill suspended costs after receiving the Removal of Suspension using a separate invoice and attach the Form 1900-68 Removal of Suspension notice to the invoice. The contractor must then resubmit this bill for payment in accordance with contract invoicing requirements.

If the contractor prepares supporting documentation for suspended costs that the PO deems unacceptable, the PO will notify the CO of this and ask for a final

determination on the allowability of the costs. If the CO agrees with the PO, a revised Form 1900-68 with Block C (Disallowance of Costs) should be completed and sent to the contractor instructing the contractor to eliminate such costs on future invoices and to move such costs to unallowable accounts on their accounting records. The contractor must acknowledge receipt of the disallowance notice by signing and returning the notice to the CO. Where the CO processed the suspension, the CO will inform the PO and disallow the cost. Copies of the revised Form 1900-68 should be sent to RTP Finance, the contract file, and the applicable Cost Advisory Office.

[FR Doc. 95-24455 Filed 10-3-95; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 227

[Docket No. 950919232-5232-01; I.D. 041995B]

RIN 0648-XX27

Threatened Fish and Wildlife; Change in Listing Status of Steller Sea Lions Under the Endangered Species Act

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing to reclassify the Steller sea lion, *Eumetopias jubatus*. This species currently is listed under the Endangered Species Act of 1973 (ESA) as threatened throughout its range, which extends from California and associated waters to Alaska, including the Gulf of Alaska and Aleutian Islands, and then into the Bering Sea and North Pacific and into Russian waters and territory.

Based on biological information collected since the species was listed as threatened in 1990, NMFS now proposes to re-classify Steller sea lions as two distinct population segments under the ESA. NMFS proposes to classify the Steller sea lion population segment west of 144° W. long. (a line near Cape Suckling, AK) as endangered, and to maintain the ESA threatened listing for the remainder of the U.S. population. NMFS is requesting public comments on this proposed action.

DATES: Comments and information must be received by January 2, 1996.

ADDRESSES: Comments and information should be addressed to Chief, Marine Mammal Division, Office of Protected Resources (F/PR), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Copies of the Steller sea lion status review document, the Steller Sea Lion Recovery Team (Recovery Team) meeting summary and recommendations regarding reclassification, and a Population Viability Analyses of Steller sea lions in Alaska may be obtained from Susan Mello, Protected Resources Management Division, Alaska Regional Office, NMFS, P.O.Box 21668, Juneau, AK 99802-1668.

FOR FURTHER INFORMATION CONTACT: Susan Mello, 907-586-7235 or Michael Payne, F/PR, NMFS, 301-713-2322.

SUPPLEMENTARY INFORMATION:

I. Background

NMFS determined that the Steller sea lion was a threatened species under the ESA (55 FR 49294, November 26, 1990; see also, 55 FR 50005, December 4, 1990). The species was listed throughout its range because of a precipitous decline in abundance. This decline was concentrated primarily in areas near the Gulf of Alaska and Aleutian Islands.

The final rule imposed protective regulations to reduce direct causes of Steller sea lion mortality, to restrict opportunities for intentional and unintentional harassment of Steller sea lions, and to minimize disturbance and interference with Steller sea lion behavior including disruption of foraging behavior, especially at pupping and breeding sites.

As a result of ESA section 7 consultations on the effects of the North Pacific federally-managed groundfish fisheries, NMFS implemented additional protective measures in 1991, 1992, and 1993 to reduce the effects of certain commercial groundfish fisheries on Steller sea lion foraging (see 56 FR 28112, June 19, 1991; 57 FR 2683, January 23, 1992; and 58 FR 13561, March 12, 1993; current protections are codified at 50 CFR 672.24(e) and 675.24(f) (1994)). NMFS has also published a Steller Sea Lion Recovery Plan (Recovery Plan) (58 FR 3008, January 7, 1993), and has designated critical habitat for the species (58 FR 45269, August 27, 1993). NMFS and other agencies are implementing the Recovery Plan.

Since 1990, NMFS and the Alaska Department of Fish and Game (ADFG) have conducted monitoring surveys that indicate that the decline of Steller sea