

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, D.C. 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 95-D306 in all correspondence related to this issue.

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

SUPPLEMENTARY INFORMATION:

A. Background

The proposed rule amends DFARS 225.402 and 252.225-7007, permitting purchase of nondesignated country end products, if sufficient U.S. made, qualifying country, or eligible products are not available. This implements Section 343 of Pub. L. 103-465, which amends Section 302(a) of the Trade Agreements Act of 1979 (19 U.S.C. 2512(a)).

B. Regulatory Flexibility Act

The 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 it permits purchase of nondesignated country end products only if (1) sufficient U.S. made, qualifying country, or eligible products are not available, or (2) a national interest waiver is granted. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments from small entities concerning the affected DFARS subpart will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D306 in correspondence.

C. Paperwork Reduction Act

The proposed rule does not impose any reporting or recordkeeping requirements which require OMB approval under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Parts 225 and 252

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

Therefore, it is proposed that 48 CFR Parts 225 and 252 be amended as follows:

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

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

PART 225—FOREIGN ACQUISITION

2. Section 225.402 is amended by revising paragraph (c) to read as follows:

225.402 Policy.

(a) * * *

(c)(i) Except as provided in paragraphs (c) (ii) and (iii) of this section, do not purchase nondesignated country end products subject to the Trade Agreements Act unless they are NAFTA, Caribbean Basin, or qualifying country end products (see 225.872-1).

(ii) The prohibition in paragraph (c)(i) of this section does not apply when the contracting officer determines that offers of U.S. made, qualifying country, or eligible products from responsive, responsible offerors are either—

(A) Not received; or

(B) Insufficient to fill the Government's requirements. In these cases, accept all responsive, responsible offers of U.S. made, qualifying country, and eligible products before accepting any other offers.

(iii) National interest waivers under Section 302(b)(2) of the Trade Agreements Act are approved on a case-by-case basis. Except as delegated in paragraphs (c)(iii) (A) and (B) of this section, a request for a national interest waiver shall include supporting rationale and be submitted under department/agency procedures to the Director of Defense Procurement.

(A) The head of the contracting activity may approve a national interest waiver for a purchase by an overseas purchasing activity of products critical to the support of U.S. forces stationed abroad. The waiver must be supported by a written statement from the requiring activity stating that the requirement is critical for the support of U.S. forces stationed abroad.

(B) The Commander, Defense Fuel Supply Center, may approve national interest waivers for purchases of fuel for use by U.S. forces overseas.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.225-7007 is amended by revising paragraph (c)(1) to read as follows:

252.225-7007 Trade Agreements.

* * * * *

(c) * * *

(1) Offerors may not supply a nondesignated country end product unless—

(i) It is a qualifying country end product, a Caribbean Basin country end product, or a NAFTA country end product;

(ii) The Contracting Officer has determined that offers of U.S. made end products or qualifying, designated, NAFTA, or Caribbean Basin country end products from responsive, responsible offerors are either not received or are insufficient to fill the Government's requirements; or

(iii) A national interest waiver has been granted under Section 302 of the Trade Agreements Act of 1979 (see (FAR 25.402(c)).

* * * * *

[FR Doc. 95-25345 Filed 10-12-95; 8:45 am]

BILLING CODE 5000-04-M

48 CFR Part 231

[DFARS Case 95-D714]

Defense Federal Acquisition Regulation Supplement; Cost Principles

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 implement provisions of the Federal Acquisition Streamlining Act of 1994 pertaining to legislative lobbying costs.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before December 12, 1995 to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 95-D714 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr. Clarence Belton, Cost Principles Team Leader, at (703) 602-2357. Please cite DFARS Case 95-D714.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Acquisition Streamlining Act of 1994, Pub. L. 103-355, ("the Act") provides authorities that streamline the acquisition process and minimize burdensome government-unique requirements.

This proposed rule implements Section 7202 of the Act (codified at 10 U.S.C. 2247). Section 7202 prohibits the expenditure of funds to assist any DoD contractor in preparing any material, report, list, or analysis, with respect to

the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing, and evaluation has not been completed. Similar statutory language has been included in annual Defense appropriations acts and is presently implemented at DFARS 231.205-22(a), as a cost principle applicable to commercial organizations. This proposed rule expands the applicability of the cost principle to educational institutions; State, local, and federally recognized Indian tribal governments; and nonprofit organizations; as the statutory prohibition applies to all DoD contractors.

B. Regulatory Flexibility Act

The 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 most contracts awarded to small businesses are awarded competitively on a firm-fixed-price basis and, therefore, are not subject to DFARS cost principles. An initial regulatory flexibility analysis, therefore, has not been performed. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D714 in correspondence.

C. The Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Part 231

Government procurement.

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

Therefore, 48 CFR Part 231 is proposed to be amended as follows:

1. The authority citation for 48 CFR Part 231 continues to read as follows:

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

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 231.205-22 is revised to read as follows:

231.205-22 Legislative lobbying costs.

(a) Preparing any material, report, list, or analysis on the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing, and evaluation has not been completed (10 U.S.C. 2247).

3. Section 231.303 is amended by adding paragraph (4) to read as follows:

231.303 Requirements.

* * * * *

(4) Under 10 U.S.C. 2247, the costs cited in 231.205-22(a) are unallowable.

4. Section 231.603 is amended by adding paragraph (3) to read as follows:

231.603 Requirements.

* * * * *

(3) Under 10 U.S.C. 2247, the costs cited in 231.205-22(a) are unallowable.

5. Section 231.703 is amended by adding paragraph (3) to read as follows:

231.703 Requirements.

* * * * *

(3) Under 10 U.S.C. 2247, the costs cited in 231.205-22(a) are unallowable.

[FR Doc. 95-25344 Filed 10-12-95; 8:45 am]

BILLING CODE 5000-04-M

48 CFR Part 231

[DFARS Case 94-D007]

Defense Federal Acquisition Regulation Supplement; Internal Restructuring Costs

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule; withdrawal.

SUMMARY: The Department of Defense has decided to withdraw a proposed rule published on January 12, 1995 (60 FR 2924). The rule proposed revisions to the Defense Federal Acquisition Regulation Supplement (DFARS) to state that contractor costs associated with internal restructuring activities are unallowable unless allowable in accordance with FAR Part 31 and DFARS Part 231; an audit of projected restructuring costs and savings is performed; and the ACO determines that overall reduced costs should result for DoD and negotiates an advance agreement with the contractor. After review of public comments, DoD has determined that the proposed DFARS revisions are unnecessary.

FOR FURTHER INFORMATION CONTACT: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139,

3062 Defense Pentagon, Washington, DC 20301-3062, (703) 602-0131.

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

[FR Doc. 95-25342 Filed 10-12-95; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 110, 171, 172, 173, 174, 175, 176, 177, 178, and 179

[Docket HM-222A; Notice No. 95-12]

RIN 2137-AC69

Elimination of Unnecessary and Duplicative Hazardous Materials Regulations

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: RSPA is proposing to remove unnecessary, obsolete, and duplicative regulations contained in the Hazardous Materials Regulations (HMR). In addition, RSPA is proposing to reformat the Hazardous Materials Table and List of Hazardous Substances and Reportable Quantities that could eliminate approximately 100 pages of the CFR. The intended effect of this action is to make the HMR more user friendly, thus enhancing compliance. This action is in response to President Clinton's March 4, 1995 memorandum to heads of departments and agencies calling for a review of all agency regulations.

DATES: Comments must be received on or before December 18, 1995.

ADDRESSES: Please address written comments to the Dockets Unit (DHM-30), Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590-0001. Comments may also be faxed to (202)366-3753. Comments should identify the docket (Docket No. HM-222A). The Dockets Unit is located in Room 8421 of the Nassif Building, 400 Seventh Street S.W., Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., Monday through Friday, except on public holidays when the office is closed.

FOR FURTHER INFORMATION CONTACT: John A. Gale or Jennifer Antonielli, (202) 366-8553; Office of Hazardous Materials Standards, RSPA, Department of Transportation, Washington, DC 20590-0001.