

provided in paragraph (a) of this section, become a requirement in contracts covered under this subpart 1426.70 and must not hinder the Government's right to award contracts and to administer their provisions.

4. Part 1428 is revised to read as follows:

## PART 1428—BONDS AND INSURANCE

### Subpart 1428.3—Insurance

Sec.

1428.301 Policy.

1428.306 Insurance under fixed-price contracts.

1428.306-70 Insurance for aircraft service contracts.

1428.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.

1428.311-2 Contract clause.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and 5 U.S.C. 301.

### Subpart 1428.3—Insurance

#### 1428.301 Policy.

It is the policy of DOI to insure its own risks only when such action is in the best interest of the Government. Circumstances where contractors are required to carry insurance are listed under FAR 28.301 and 28.306. In these circumstances, the CO shall insert the clause at 1452.228-70, Liability Insurance—Department of the Interior, in solicitations and contracts.

#### 1428.306 Insurance under fixed-price contracts.

#### 1428.306-70 Insurance for aircraft services contracts.

(a) *Policy.* The CO shall insert minimum insurance requirements in aircraft services contracts in order to protect the Government and its contractors.

(b) *Applicability.* The clauses prescribed by paragraph (c) of this section are applicable to all fixed-price contracts involving use of aircraft with either a contractor-furnished or a Government-furnished pilot except for one-time charters when Government exposure is minimal and time limitations are present.

(c) *Clauses.* The following clauses shall be used as prescribed:

(1) The CO shall insert the clause at 1452.228-71, Aircraft and General Public Liability Insurance—Department of the Interior, in solicitations and contracts when a fixed-price contract for operation of aircraft where the Government is using a contractor-furnished pilot is contemplated.

(2) The CO shall insert the clause at 1452.228-72, Liability for Loss or Damage—Department of the Interior, in

solicitations and contracts when a fixed-price contract for use of aircraft where the Government does not have a property interest and is using a Government-furnished pilot is contemplated.

(3) The CO shall insert the clause at 1452.228-73, Liability for Loss or Damage—Department of the Interior (Property Interest), in solicitations and contracts when a fixed-price contract for use of aircraft where the Government has a property interest in the aircraft and is using a Government-furnished pilot (e.g., a lease with purchase option) is contemplated.

#### 1428.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.

#### 1428.311-2 Contract clause.

The CO shall modify the clause at FAR 52.228-7, Insurance—Liability to Third Persons, in accordance with 1452.228-7, and insert in solicitations and contracts as prescribed in FAR 28.311-2.

## PART 1452—[AMENDED]

#### 1452.204-7 [Redesignated as 1452.226-70]

5. 1452.204-71 is redesignated as 1452.226-70.

#### 1452.204-72 [Redesignated as 1452.226-71]

6. 1452.204-72 is redesignated as 1452.226-71.

7. 1452.228-70 is revised to read as follows:

#### 1452.228-70 Liability insurance.

As prescribed in 1428.301, insert the following clause in all contracts where circumstances warrant the carrying of insurance by the contractor (see FAR 28.301 and 28.306):

Liability Insurance—Department of the Interior (Jul 1995)

(a) The contractor shall procure and maintain during the term of this contract and any extension thereof liability insurance in form satisfactory to the Contracting Officer by an insurance company which is acceptable to the Contracting Officer. The named insured parties under the policy shall be the Contractor and the United States of America. The amounts of the insurance shall be not less than as follows:

\$ \_\_\_\_\_ each person.\*  
\$ \_\_\_\_\_ each occurrence.\*

\$ \_\_\_\_\_ property damage.\*

(b) Each policy shall have a certificate evidencing the insurance coverage. The insurance company shall provide an endorsement to notify the Contracting Officer 30 days prior to the effective date of cancellation or termination of the policy or certificate; or modification of the policy or certificate which may adversely affect the

interest of the Government in such insurance. The certificate shall identify the contract number, the name and address of the Contracting Officer, as well as the insured, the policy number and a brief description of contract services to be performed. The contractor shall furnish the Contracting Officer with a copy of an acceptable insurance certificate prior to beginning the work.

\* These amounts to be set by the Contracting Officer.

[End of clause]

8. 1452.228-73 is amended by revising the introductory text to read as follows:

#### 1452.228-73 Liability for loss or damage (property interest).

As prescribed in 1428.306-70(c)(3), insert the following clause in all fixed-price contracts involving the use of aircraft with Government-furnished pilot where the Government has a property interest in the aircraft (e.g., lease with purchase option):

\* \* \* \* \*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571 and 572

[Docket No. 92-28; Notice 5]

RIN No. 2127-AB85

### Federal Motor Vehicle Safety Standards; Head Impact Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of technical workshop.

**SUMMARY:** This notice announces that NHTSA will hold a technical workshop to discuss issues concerning the test procedure for a recent final rule amending Standard No. 201, *Occupant Protection in Interior Impact*. Parties interested in participating in the workshop are asked to submit a list of test procedure issues they recommend for inclusion in the agenda for the workshop.

**DATES:** *Workshop:* A workshop on the test procedure for the new head impact protection rule will be held by early December, at the address listed below. Persons wishing to participate in the workshop should contact Karen Nuschler at the address or telephone number listed below by October 23, 1995. Due to space limitations, NHTSA may have to limit the number of participants per organization.

**Agenda Issues:** Written suggestions for the agenda must be received on or before October 23, 1995.

**ADDRESSES:** *Workshop:* The workshop will be held at the Vehicle Research and Test Center (VRTC), 10,820 State Route 347, East Liberty, Ohio 43319. Directions to VRTC and the final agenda will be sent to participants.

**Agenda Issues:** All suggestions for the agenda must refer to the docket and notice number set forth above and be submitted (preferably in 10 copies) to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Karen Nuschler, Office of Vehicle Safety Compliance, NSA-31, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, telephone (202) 366-5829, facsimile (202) 366-3081, electronic mail "knuschler@nhtsa.dot.gov".

**SUPPLEMENTARY INFORMATION:** On August, 18, 1995, NHTSA published a final rule amending Standard No. 201, *Occupant Protection in Interior Impact*, to require passenger cars and light trucks, buses and multipurpose passenger vehicles (LTVs) to incorporate measures to prevent or reduce injury during a crash, when a vehicle occupant's head strikes upper interior components, including pillars, side rails, headers, and the roof. The amendments add procedures and performance requirements for a new in-vehicle component test (60 FR 43031). The period for submittal of petitions for reconsideration closed September 19, 1995.

NHTSA received nine petitions for reconsideration of the final rule. Some of these petitions raised questions concerning the test procedure in the final rule. To enable interested parties and NHTSA personnel to discuss the questions concerning the test procedure, NHTSA believes that it would be desirable to hold a technical workshop on the test procedure. The focus will be on the location of target points. The agency requests that interested parties submit a list of suggested test procedure issues for inclusion in the agenda for this workshop, together with a brief explanation of the desirability of their inclusion. This will enable the agency to arrange to mark target points on vehicles in advance of the workshop. The agency will include as many of the suggested issues in the final agenda as appropriate.

It is requested but not required that 10 copies of agenda issues be submitted. To allow NHTSA to distribute the agenda

to participants and to acquire any necessary equipment, the test procedure issues must be submitted to the agency by October 23, 1995. Because the agency will need time to arrange for all necessary equipment, including special vehicles, to be at the workshop site, NHTSA will make and announce a final decision on the exact date of the workshop after it selects the items for the final agenda. NHTSA anticipates the workshop will be held during the latter half of November, but could take place in early December.

Persons wishing to participate in the workshop are requested to notify Karen Nuschler no later than October 23, 1995. Interested persons should also indicate the company or organization which they represent. Once the agency compiles a list of interested persons, NHTSA will determine whether participation must be limited due to space constraints. If this occurs, NHTSA will equitably allocate the available space among the represented companies and organizations.

Copies of all written submissions of suggested issues and the final agenda will be placed in the docket for this notice. While NHTSA will discuss the selected issues with workshop attendees, any resolution of those issues will be announced in the notice responding to the petitions for reconsideration.

To facilitate communication, NHTSA will provide auxiliary aids to participants as necessary, during the meeting. Thus, any person desiring assistance of auxiliary aids (e.g., sign-language interpreter, telecommunications, devices for deaf persons (TDDs), readers, taped texts, braille materials, or large print materials and/or a magnifying device), should contact Karen Nuschler.

Authority: 15 U.S.C. 1392, 1401, 1403, 1407, delegation of authority at 49 CFR 1.50. Barry Felrice,

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 625

[Docket No. 950206038-5038; I.D. 100595C]

### Summer Flounder Fishery; Closure of Commercial Fisheries for Massachusetts and Delaware

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

**ACTION:** Notification of commercial quota harvest.

**SUMMARY:** NMFS issues this notification announcing that the summer flounder commercial quotas for 1995 available to the Commonwealth of Massachusetts and the State of Delaware have been harvested. Vessels that have been issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Massachusetts or Delaware for the remainder of this year, unless additional quota becomes available through a transfer from another State not having reached its annual quota. The intent of this action is to notify vessel and dealer Federal permit holders that no commercial quota is available for landing summer flounder in Massachusetts and Delaware so that stock abundance of summer flounder is rebuilt.

**EFFECTIVE DATE:** October 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Regina Spallone, 508-281-9221.

#### SUPPLEMENTARY INFORMATION:

Regulations governing the summer flounder fishery are found at 50 CFR part 625. The regulations require annual specification of a commercial quota that is apportioned among the States from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each State are described in § 625.20.

The total commercial quota for summer flounder for the 1995 calendar year is set equal to 14,690,407 lb (6,663,569 kg) (February 16, 1995, 60 FR 8958). This amount includes the 3.05 million lb (1.4 million kg) allocated to the fishery in order to comply with an Order issued by the U.S. District Court for the Eastern District of Virginia. The percent allocated to vessels landing summer flounder in Massachusetts is 6.82046 percent, or 1,001,953 lb (454,478 kg) and in Delaware is 0.01779 percent or 2,614 lb (1186 kg).

Section 625.20(d) provides that any overages of the commercial quota