detailed explanation of the proposed rule.

These proposed hazardous waste listings were based in part upon data claimed as confidential by certain dye and pigment manufacturers. Although EPA hopes to publish these data or information derived from these data to the extent relevant to the proposed listing, the Agency is unable to do so at the present time due in large part to the issuance of a preliminary injunction against EPA in Magruder Color Co. v. EPA, Civ. No. 94-5768 (D.N.J.). EPA is pursuing avenues to allow publication of the information and hopes to supplement the public record with and allow public comment on such information prior to issuance of a final listing. However, because EPA currently is obligated to publish a final rule by November 30, 1995 pursuant to a consent decree entered in EDF v. Browner, Civ. No. 89-0598 (D.D.C.), at this time EPA is only reopening the comment period until November 30, 1995. EPA will attempt to seek an extension of that deadline, and if successful, will further extend the comment period. If EPA is unsuccessful in obtaining an extension, the comment period will close on November 30, 1995.

Dated: October 10, 1995. Elizabeth A. Cotsworth, Acting Director, Office of Solid Waste. [FR Doc. 95–25918 Filed 10–19–95; 8:45 am] BILLING CODE 6560–50–P

# NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## 48 CFR Parts 1816 and 1852

#### Addition of Coverage to NASA FAR Supplement on NASA Shared Savings Clause

**AGENCY:** Office of Procurement, National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of proposed rulemaking.

SUMMARY: This rule proposes to amend the NASA Federal Acquisition Regulation Supplement in order to establish the procedures for a "Shared Savings Clause" to be used in solicitations and contracts. The intent of the clause is to provide an incentive for contractors to identify and implement significant cost reduction programs. In return they would be eligible for a share of realized savings which result from those cost-cutting projects once the projects are approved by the contracting officer.

**DATES:** Comments must be received on or before December 19, 1995.

ADDRESSES: Submit comments to Mr. James A. Balinskas, Analysis Division (Code HC), Office of Procurement, NASA Headquarters, Washington, DC 20546. Comments on the paperwork burden should also be addressed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for NASA, Washington, DC 20503.

# SUPPLEMENTARY INFORMATION:

James A. Balinskas, (202) 385-0445.

### Background

This action revises the NASA FAR Supplement to add a "Share Savings Clause" which was developed as an element of the Agency's Cost Control Initiative. We expect this process will help identify and eliminate counterproductive, outdated or redundant activities whether they are mandated by the contract or created as a result of the manner in which the government is managing the contract.

#### Regulatory Flexibility Act

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

#### Paperwork Reduction Act

A copy of the proposed rule has been submitted to OMB for review under section 3507(d) of the Paperwork Reduction Act.

*Title:* Cost Reduction Proposal (CRP). *Summary:* The CRP is used by the contractor to propose cost reduction projects to NASA.

Description of the need for the information and proposed use of the information: The Shared Savings Clause was developed as an element of the Agency's Cost Control Initiative. The CRP is a means by which a contractor may suggest savings to NASA. The contracting officer evaluates the CRP in order to determine whether or not to accept the contractor's suggestions. If the CRP is accepted, the contractor becomes eligible for a share of the savings.

Description of the likely respondents, including the estimated number of likely respondents, and proposed frequency of response to the collection of information: NASA contractors whose contracts contain the clause entitled "Shared Savings" may submit a CRP on their own initiative. The number of respondents is estimated to be 10.

Estimate of the total annual reporting and recordkeeping burden that will result from the collection of information: The annual recordkeeping and reporting burden related to preparation and submission of CRP's is estimated to be 600 hours.

*Notice:* Comments may be submitted to the OMB address shown under ADDRESSES.

Time period within which the agency is requesting OMB to approve or disapprove the collection of information: NASA is requesting that OMB approve the proposed revisions to the collection of information within the next 60 days.

In addition, comments may be submitted to NASA and OMB in order to help NASA—

- (a) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- (iii) enhance the quality, utility, and clarity of the information to be collected; and
- (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

List of Subjects in 48 CFR Parts 1816 and 1852

Government procurement.
Tom Luedtke.

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1816 and 1852 are proposed to be amended as follows:

# PART 1816—TYPES OF CONTRACTS

1. The authority citation for 48 CFR Parts 1816 and 1852 continue to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

2. Paragraph 1816.7001 is added to read as follows:

#### 1816.7001 Shared Savings Clause.

The contracting officer shall insert the clause at 1852.216–90, Shared Savings Clause, in all solicitations and contracts above the simplified acquisition threshold.

#### PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 1852.216–90 is added to read as follows:

#### 1852.216-90 Shared Savings.

As prescribed in 1816.7001, insert the following clause:

Shared Savings (XXX 19XX)

- (a) The Contractor is entitled, under the provisions of this clause, to share in cost savings resulting from the implementation of cost reduction projects which are presented to the Government in the form of Cost Reduction Proposals (CRP) and approved by the Contracting Officer. These cost reduction projects may require changes to the terms, conditions or statement of work of this contract. Any cost reduction projects must not, however, revise the essential function or service to be provided by the basic contract.
  - (b) Definitions:
- (1) Cost savings means savings that result from instituting non-recurring changes to the management or structure of the covered contract, as identified in an approved Cost Reduction Proposal.
- (2) Cost Reduction Proposal means a proposal that recommends alternatives to the established procedures or organizational support of a contract or group of contracts. These alternatives must result in a net reduction of contract cost and price to NASA. The proposal will include technical and cost information sufficient to enable the Contracting Officer to review the CRP and approve or disapprove it. The contractor may propose changes in other activities that impact performance on their contract, to include Government and other contractor operations, if such changes will optimize cost savings on their contract. A contractor shall not be entitled to share, however, in any cost shavings that are internal to the Government, or which result from changes made to any contracts to which they are not a party even if those changes were proposed as a part of their CRP.
- (3) Covered contract means the contract, excluding unexercised options or future contracts, whether contemplated or not, against which the CRP is submitted.
- (4) Contractor implementation costs or "implementation costs" means those costs the Contractor incurs, or will incur, on the covered contract specifically in the development, preparing, submitting, and supporting a CRP, as well as those costs the contractor will incur on the covered contract to make any structural or organizational changes in order to implement an approved CRP.
- (5) Government costs means internal costs of NASA or any other Government agency that result directly from developing and implementing the CRP. These may include, but are not limited to, costs associated with the administration of the contract or with such contractually related functions such as testing, operations, maintenance and logistics support. These costs do not include the

normal administrative costs of reviewing and processing the Cost Reduction Proposal.

- (c) General. The contractor shall develop, prepare and submit CRP's with supporting information, as detailed in paragraph (d) of this clause, to the Contracting Officer. The CRP will describe the proposed cost reduction activity in sufficient detail to enable the Contracting Officer to evaluate it and to render an approval or disapproval. The Contractor shall share in any net cost savings realized from accepted and implemented CRP's in accordance with the terms of this clause. The Contractor's actual percentage share of the cost savings shall be a matter for negotiation with the Contracting Officer, but shall not, in any event, exceed 50% of the total recognized cost savings.
- (d) Computation of cost savings. The contractor is eligible to share in savings realized on the covered contract as a result of implementing approved CRP's. The cost savings to be shared between the Government and the Contractor will be derived by comparing a current estimate to complete (ETC) for the covered contract, as structured before implementation of the proposed CRP, to an ETC which takes into account the impact of that CRP. Although a CRP may result in cost savings that extend far into the future, the period over which the contractor may share in those savings will be limited to five years. In extenuating circumstances, this five year period may be extended if the contracting officer agrees with the contractors proposal, and written concurrence is obtained from the Director, Analysis Division, Office of Procurement, NASA Headquarters. Implementation costs of the contractor must be considered and specifically identified in the revised ETC. Any change in Government costs associated with the covered contract shall also be specifically identified and addressed in the CRP. The contractor shall not be entitled, under the provisions of this clause, to share in any cost reductions to the contract that are the result of changes stemming from any action other than an approved CRP. This clause does not limit, however, recovery of any such reimbursements that are allowed as a result of other contract provisions.
- (e) Supporting information. As a minimum, the Contractor shall provide the following supporting information with each CRP:
- (1) Identification of the current contract requirement or practice which is targeted for restructuring.
- (2) A description of the difference between the current process or procedure and the proposed change. This description shall address how proposed changes will meet NASA requirements and discuss the advantages and disadvantages of the existing practice and the proposed changes.
- (3) A list of contract requirements which must be revised, if any, if the CRP is approved, along with proposed revisions. Any changes to NASA, or delegated, contract management processes should also be addressed.
- (4) Detailed cost estimates which reflect the implementation costs of the CRP.
- (5) An updated ETC for the covered contract, unchanged, and an ETC for the covered contract which reflects changes

- resulting from implementing the CRP. If the CRP proposes changes to only a limited number of elements of the contract, the ETC's need only address those portions of the contract that have been impacted. Each ETC shall depict the level of costs incurred on a period basis. If other CRP's have been proposed or approved on a contract, the impact of these CRP's must be addressed in the computation of the cost savings to ensure that the cost savings identified are attributable only to the CRP under consideration in the instant case.
- (6) A depiction of each estimate to complete shall also provide a comparison of costs to be incurred, by period, through the end of the covered contract.
- (7) Identification of any other previous submissions of the CRP, including the dates submitted, the agencies and contracts involved, and the disposition of those submittals.
  - (f) Administration.
- (1) The contractor shall submit proposed CRP's to the Contracting Officer who shall be responsible for the review. evaluation and approval. Normally, CRP's should not be entertained for the first year of performance to allow the Contracting Officer to assess performance against the basic requirements. If a cost reduction project impacts more than a single contract, the contractor may, upon concurrence of the Contracting Officers responsible for the affected contracts, submit a single CRP which addresses fully the cost savings projected on all affected contracts that contain this Shared Savings Clause. In the case of multiple contracts affected, responsibility for the review and approval of the CRP will be a matter to be decided by the affected Contracting Officers.
- (2) The Contracting Officer shall approve or disapprove any proposed cost reduction plan within 60 days after receipt. In the event additional time is required, the Contracting Officer shall notify the Contractor within the 60-day period, provide the reason for delay and the expected date of the decision. Failure of the Contracting Officer to provide a response shall not be construed as approval of the CRP. The contractor shall continue to perform in accordance with the terms and conditions of the existing contract until the Contracting Officer executes a contract modification incorporating the changes identified by the CRP. The modification shall also adjust the contract cost and price, establish the contractors share of cost savings, and establish a payment schedule.
- (3) Notwithstanding the overall level of savings computed for any CRP, the contractor shall not be paid any portion of its share of cost savings until NASA realizes a positive cost savings on the covered contract. (i.e., if implementation costs result in a period of increased cost as a result of implementation of the CRP).
- (4) The contractor shall be paid in accordance with a schedule to be established with the contracting officer. Normally a payment of 50% of the contractors share of the cost savings will be made in the first month after NASA realizes a positive cost savings on the covered contract.
- (5) Any future restructuring or reorganizing activity (such as a merger or acquisition)

undertaken by the Contractor, or to which the contractor becomes an involved party, which serves to reduce, or reverse the cost savings realized from an approved CRP for which the contractor has received payment, may be cause for recomputing the net cost savings associated with any approved CRP. The Government reserves the right to make an adjustment to the contractor's share of cost savings and to receive a refund of moneys paid if necessary. Such adjustment may only be made after—

(i) the contractor is afforded the opportunity to provide, and discuss with the contracting officer, full justification and support for their actions, and

(ii) advance notification is provided to the Director, Analysis Division, Office of Procurement, NASA Headquarters.

- (g) Limitations. Contract requirements that are imposed by statute shall not be targeted for cost reduction exercises. The contractor is precluded from receiving reimbursements under this clause and other incentive provisions of the contract, if any, for the same cost reductions.
- (h) Disapproval of, or failure to approve, any proposed cost reduction proposal will not be considered a dispute subject to remedies under the Disputes clause.
- (i) Cost savings paid to the contractor in accordance with the provisions of this clause do not constitute profit or fee within the limitations imposed by 10 U.S.C. 2306(d) and 41 U.S.C. 254(b).

(End of clause)

[FR Doc. 95–26057 Filed 10–19–95; 8:45 am] BILLING CODE 7510–01–M

#### **DEPARTMENT OF THE INTERIOR**

#### Fish and Wildlife Service

50 CFR Part 18

RIN 1018-ADO4

Importation of Polar Bear Trophies From Canada; Proposed Rule on Legal and Scientific Findings to Implement Section 104(c)(5)(A) of the 1994 Amendments to the Marine Mammal Protection Act

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service gives notice that the comment period on the proposed legal and scientific findings for issuance of permits for the importation of polar bears (*Ursus maritimus*) taken in sport hunts in Canada, including ones taken, but not imported, prior to enactment of the 1994 Amendments of the Marine Mammal Protection Act will be reopened for 15 days to obtain further comments.

**DATES:** Public comments received on or before November 6, 1995 will be considered by the Service.

ADDRESSES: Comments may be submitted to the Director, Fish and Wildlife Service, c/o Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Kenneth Stansell, Chief, Office of Management Authority, at the above address, or call (703) 358–2093; fax (703) 358–2280.

SUPPLEMENTARY INFORMATION: The Service published proposed findings for issuance of permits for the importation of sport-hunted polar bear trophies on July 17, 1995 (60 FR 36382). The original comment period ended on August 31, 1995. The Service received a request from The Humane Society of the United States, Washington, D.C., The Humane Society of Canada, Toronto, Ontario, Canada, and Polar Bears Alive, Tiburon, California, to extend the comment period by 45 days to allow for further review and opportunity to comment by interested parties. The Service has decided to extend the comment period by 15 days in the interest of meeting their request as well as the interests of the public and organizations who are seeking expeditious completion of the regulatory process. Interested organizations and the public are invited to comment on concerns as outlined in the July 17 Federal Register.

Authority: This notice was prepared under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*).

Dated: September 25, 1995. George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–25995 Filed 10–19–95; 8:45 am] BILLING CODE 4310–55–P

## **DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

50 CFR Parts 649, 650, and 651 [I.D. 101295B]

# New England Fishery Management Council; Meeting

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

**ACTION:** Public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) will hold a 2-day public meeting on October 25–26, 1995, to consider actions affecting New England fisheries in the exclusive economic zone.

DATES: The two sessions of the meeting will begin at 10 a.m. on Wednesday, October 25, 1995, and at 8:30 a.m. on Thursday, October 26, 1995, at 8:30 a.m. ADDRESSES: The meeting will be held at the King's Grant Inn, Route 128 at Trask Lane, Danvers, MA 01923. Requests for special accommodations should be addressed to Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1097, telephone: (617) 231–0422.

**FOR FURTHER INFORMATION CONTACT:** Douglas G. Marshall, Executive Director, New England Fishery Management Council (617) 231–0422.

#### SUPPLEMENTARY INFORMATION:

October 25, 1995 Session

On October 25, 1995, the Council's public meeting will begin with reports given by the Chairman of the Council, the Executive Director of the Council, the NMFS Regional Director, the liaison from the Northeast Fisheries Science Center of NMFS, the liaison from the Mid-Atlantic Fishery Management Council, and representatives from the U.S. Coast Guard, the Atlantic States Marine Fisheries Commission, and the U.S. Department of State. These reports will be followed by an extra report from the U.S. Coast Guard on their new enforcement initiatives.

During the afternoon session, the Council will begin its formal review of public comments received on Amendment 7 to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP). The comment period on the draft amendment ends on October 18, 1995. The Council may also consider recommendations received from the October 18, 1995, Groundfish Committee (Committee) meeting regarding the haddock possession limit and how NMFS will report to the Council on the status of experimental and exempted fisheries operating under the FMP, both in terms of frequency of reports and the content of such reports.

October 26, 1995 Session

The October 26, 1995, session will begin with a report on the October 12, 1995, meeting between the Council's United States-Canada Issues Committee and representatives from Canada and NMFS. This report will be followed by an update on the United States-Canada