

Thus, today's rule is not subject to the requirements of section 202, 203, or 205 of the UMRA.

*Comment:* One commenter stated that EPA failed to comply with UMRA in that it did not provide the basis for conclusions that this rule will not significantly or uniquely affect small governments, that this rule will not result in expenditure of \$100 million or more for State, local and tribal governments, in the aggregate, or the private sector in any one year, or develop a small government agency plan.

*Response:* EPA disagrees. EPA has assessed the effects of this regulatory action on State and local governments and the private sector, and based its conclusions on the report entitled *Economic Analysis of the Potential Impact of the Proposed Antidegradation Requirements for Pennsylvania*.

#### J. Paperwork Reduction Act

This action requires no information collection activities subject to the Paperwork Reduction Act, and therefore no Information Collection Request (ICR) will be submitted to the Office of Management and Budget (OMB) for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

#### List of Subjects in 40 CFR Part 131

Environmental protection, Water pollution control, Water quality standards.

Dated: November 27, 1996.

Carol M. Browner,  
Administrator.

For the reasons set out in the preamble, part 131 of title 40 of the Code of Federal Regulations is amended as follows:

#### **PART 131—WATER QUALITY STANDARDS**

1. The authority citation for part 131 continues to read as follows:

Authority: 33 U.S.C. 1251 et seq.

#### **Subpart D—[Amended]**

2. Section 131.32 is added to read as follows:

#### **§ 131.32 Pennsylvania.**

(a) Antidegradation policy. This antidegradation policy shall be applicable to all waters of the United States within the Commonwealth of Pennsylvania, including wetlands.

(1) Existing in-stream uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(2) Where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the Commonwealth finds, after full satisfaction of the inter-governmental coordination and public participation provisions of the Commonwealth's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the Commonwealth shall assure water quality adequate to protect existing uses fully. Further, the Commonwealth shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint sources.

(3) Where high quality waters are identified as constituting an outstanding National resource, such as waters of National and State parks and wildlife refuges and water of exceptional recreational and ecological significance, that water quality shall be maintained and protected.

(b) (Reserved)

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#### **FEDERAL MARITIME COMMISSION**

#### **46 CFR Part 572**

[Docket No. 94-31]

#### **Information Form and Post-Effective Reporting Requirements for Agreements Among Ocean Common Carriers Subject to the Shipping Act of 1984**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Amendment to final rule.

**SUMMARY:** The Federal Maritime Commission is amending the final rule in this proceeding so that the list of effective agreements that must be included in the Information Form for a new filed agreement is limited to those agreements which authorize specified activities that are of significant regulatory concern. The purpose of this amendment is to lessen the reporting burden on ocean carriers, while ensuring that the Commission obtains information relevant to its regulatory responsibilities.

**EFFECTIVE DATE:** December 9, 1996.

#### **FOR FURTHER INFORMATION CONTACT:**

Austin L. Schmitt, Director, Bureau of Economics and Agreement Analysis, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573-0001, (202) 523-5787.

**SUPPLEMENTARY INFORMATION:** In Docket No. 94-31, *Information Form and Post-Effective Reporting Requirements for Agreements Among Ocean Common Carriers Subject to the Shipping Act of 1984*, the Federal Maritime Commission amended its regulations set forth in 46 CFR Part 572 governing the filing, processing and review of agreements subject to the Shipping Act of 1984. 61 FR 11564 (Mar. 21, 1996). The revised Information Forms for newly filed agreements, codified as Appendices A and B to Part 572, require the submission of a list of all effective agreements covering all or part of the geographic scope of the filed agreement, whose parties include one or more of the parties to the filed agreement.

In implementing the new regulations, the Commission has received inquiries regarding the scope of "effective agreements." For example, it has been suggested that there is no useful purpose in including agreements that are exempt from filing because of their lack of competitive impact (see 46 CFR 572.302-311).

In response to these concerns, the Commission is amending the instructions to Appendices A and B to state that the required list should include only agreements that authorize specified activities that are of significant regulatory concern. These are rate agreements (including agreements that authorize discussion of rates or "non-binding" rate agreements), joint service agreements, pooling agreements, agreements authorizing discussion or exchange of data on vessel-operating costs, sailing agreements, space charter agreements, agreements authorizing regulation or discussion of service contracts, and agreements authorizing capacity management or capacity regulation. This amendment will lessen the burden on agreement carriers, while ensuring that the Commission obtains information relevant to its regulatory responsibilities.

Notice and opportunity for public comment were not necessary prior to issuance of this amendment because it reduces existing requirements and is less burdensome on the public. For the same reasons, the amendments are effective upon publication in the Federal Register, rather than being delayed for 30 days. 5 U.S.C. 553.

List of Subjects in 46 CFR Part 572

Administrative practice and procedure, Maritime carriers, Reporting and recordkeeping requirements.

Therefore, pursuant to 5 U.S.C. 553 and sections 4, 5, 6, 10, 15 and 17 of the Shipping Act of 1984, 46 U.S.C. app. 1703, 1704, 1705, 1709, 1714 and 1716, Part 572 of Title 46, Code of Federal Regulations, is amended as follows:

**PART 572—AGREEMENTS BY OCEAN COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT OF 1984**

1. The authority citation for Part 572 continues to read as follows:

Authority: 5 U.S.C. 553, 46 U.S.C. app. 1701–1707, 1709–1710, 1712 and 1714–1717.

2. In Appendix A to Part 572, Part II of the Instructions is revised as follows:

Appendix A to Part 572—Information Form for Class A/B Agreements and Instructions

\* \* \* \* \*

Part II

Part II requires a list of all effective agreements (1) that cover all or part of the geographic scope of the filed agreement, (2) whose parties include one or more of the parties to the filed agreement, and (3) that fall within at least one of the following categories: an agreement that authorizes "capacity management" or "capacity regulation" as defined by 46 CFR 572.104(e); a "joint service agreement" as defined by 46 CFR 572.104(o); a "pooling agreement" as defined by 46 CFR 572.104(y); a "rate agreement" as defined by 46 CFR 572.104(bb); a "sailing agreement" as defined by 46 CFR 572.104(cc); an agreement that authorizes regulation or discussion of "service contracts" as defined by 46 CFR 572.104(dd); a "space charter agreement" as defined by 46 CFR 572.104(hh); or an agreement that authorizes discussion or exchange of data on "vessel-operating costs" as defined by 46 CFR 572.104(kk).

\* \* \* \* \*

3. In Appendix B to Part 572, Part II of the Instructions is revised as follows:

Appendix B to Part 572—Information Form for Class C Agreements and Instructions

\* \* \* \* \*

Part II

Part II requires a list of all effective agreements that (1) cover all or part of the geographic scope of the filed agreement, (2) whose parties include one or more of the parties to the filed agreement, and (3) that fall within at least one of the following categories: an agreement that authorizes "capacity management" or "capacity regulation" as defined by 46 CFR 572.104(e); a "joint service agreement" as defined by 46 CFR 572.104(o); a "pooling agreement" as

defined by 46 CFR 572.104(y); a "rate agreement" as defined by 46 CFR 572.104(bb); a "sailing agreement" as defined by 46 CFR 572.104(cc); an agreement that authorizes regulation or discussion of "service contracts" as defined by 46 CFR 572.104(dd); a "space charter agreement" as defined by 46 CFR 572.104(hh); or an agreement that authorizes discussion or exchange of data on "vessel-operating costs" as defined by 46 CFR 572.104(kk).

\* \* \* \* \*

By the Commission.  
Joseph C. Polking,  
*Secretary.*  
[FR Doc. 96-31223 Filed 12-6-96; 8:45 am]  
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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 1843 and 1852**

**Addition of Coverage to NASA FAR Supplement (NFS) on NASA Shared Savings Clause**

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

**ACTION:** Final rule.

**SUMMARY:** Parts 1843 and 1852 are amended to establish the conditions for use and the administrative procedures for a "Shared Savings Clause" to be used in solicitations and contracts.

**EFFECTIVE DATE:** December 9, 1996.

**ADDRESSES:** Mr. James A. Balinskas, Code HC, NASA Headquarters, 300 E Street SW, Washington, DC 20546-0001.

**FOR FURTHER INFORMATION CONTACT:** Mr. James A. Balinskas, NASA Headquarters, Code HC, telephone: (202) 358-0445.

**SUPPLEMENTARY INFORMATION:**

Background

On October 20, 1995, a proposed rule to amend the NFS to add a "Shared Savings Clause" was published in the Federal Register (60 FR 54208). The intent of the clause was 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 resulted from those cost-cutting projects once they were approved by the contracting officer. Comments were received both from within NASA and from industry. All comments were reviewed and the rule was revised to reflect the comments where it was considered warranted. Many of the revisions were made to clarify definitions, improve consistency of terms used throughout the contract

clause, limit applicability of the clause to the appropriate classes of contracts, and better communicate how the provisions of the clause were intended to operate. In addition, the location of the proposed rule within the NFS was also changed.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule does not impose any recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1843 and 1852

Government procurement.

Tom Luedtke,  
*Deputy Associate Administrator for Procurement.*

Accordingly, 48 CFR 1843 and 1852 are amended as follows:

1. The authority citation for 48 CFR 1843 and 1852 continues to read as follows:

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

**PART 1843—CONTRACT MODIFICATIONS**

**Subpart 1843.71—[Added]**

2. Subpart 1843.71 is added to read as follows:

**Subpart 1843.71—Shared Savings**

**1843.7101 Shared Savings Program.**

This subpart establishes and describes the methods for implementing and administering a Shared Savings Program. This program provides an incentive for contractors to propose and implement, with NASA approval, significant cost reduction initiatives. NASA will benefit as the more efficient business practices that are implemented lead to reduced costs on current and follow-on contracts. In return, contractors are entitled to share in cost savings subject to limits established in the contract. The contracting officer may require the contractor to provide periodic reporting, or other justification, or to require other steps (e.g., cost segregation) to ensure projected cost savings and being realized.

**1843.7102 Solicitation provision and contract clause.**

The contracting officer shall insert the clause at 1852.243-71, Shared Savings, in all solicitations and contracts expected to exceed \$1,000,000, except those awarded under FAR part 12, NRA,