

International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

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**GENERAL SERVICES ADMINISTRATION**

**48 CFR Parts 538 and 552**

RIN 3090-AH25

**Identification of Energy-Efficient Office Equipment and Supplies Containing Recovered Materials or Other Environmental Attributes**

**AGENCY:** Office of Acquisition Policy, GSA.

**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration (GSA) proposes to amend the GSA Acquisition Regulation (GSAR) for consistency with the proposed Federal Acquisition Regulation (FAR) revision of energy conservation regulations and President Clinton's issuance of Executive Order 13123 on efficient energy management.

**DATES:** Comments should be submitted on or before September 18, 2000.

**ADDRESSES:** Mail comments to General Services Administration, Office of Acquisition Policy, Division (MVP), 1800 F Street, NW., Room 4015, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Beverly Cromer, GSA Acquisition Policy Division, (202) 208-6750.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

GSAR 538.273(a)(3) is revised to reflect the new clause title. Clause 552.238-72, Identification of Products

that Contain Recovered Materials, are Energy-Efficient, or Have Other Environmental Attributes (*e.g.*, Reduced Pollutants), is revised to update the definition of energy-efficient products and to reflect language that is consistent with Executive Order 13123 (64 FR 30851) and proposed FAR Part 23.2 (FAR Case 99-011, 65 FR 30311, May 10, 2000).

**B. Executive Order 12866**

This regulatory action is not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**C. Regulatory Flexibility Act**

GSA certifies that this proposed rule will not 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.*

**D. Paperwork Reduction Act**

The revised clause at 552.238-72, Identification of Products that Contain Recovered Materials, are Energy-Efficient, or Have Other Environmental Attributes (*e.g.*, Reduced Pollutants), contains an information collection requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). However, the revisions to the clause made by this rule do not affect the information collection requirement which was approved previously by OMB and assigned control number 3090-0262.

**List of Subjects in 48 CFR Parts 538 and 552**

Government procurement.

Accordingly, 48 CFR parts 538 and 552 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 538 and 552 continues to read as follows:

**Authority:** 40 U.S.C. 486(c).

**PART 538—FEDERAL SUPPLY SCHEDULE CONTRACTING**

2. Revise section 538.273(a)(3) to read as follows:

**538.273 Contract clauses.**

\* \* \* \* \*  
(a) \* \* \*

(3) 552.238-72, Identification of Products that Contain Recovered Materials, are Energy-Efficient, or Have

Other Environmental Attributes (*e.g.*, Reduced Pollutants).

\* \* \* \* \*

**PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

3. Amend section 552.212-72 by revising the date of the clause and by revising the title of the clause in paragraph 552.238-72(b) to read as follows:

**552.212-72 Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to GSA Acquisition of Commercial Items.**

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS APPLICABLE TO GSA ACQUISITION OF COMMERCIAL ITEMS (DATE)

\* \* \* \* \*

\_\_\_\_\_ 552.238-72 Identification of Products that Contain Recovered Materials, are Energy-Efficient, or Have Other Environmental Attributes (*e.g.*, Reduced Pollutants)

\* \* \* \* \*

4. Revise section 552.238-72 to read as follows:

**552.238-72 Identification of Products that Contain Recovered Materials, are Energy-Efficient, or Have Other Environmental Attributes (*e.g.*, Reduced Pollutants).**

As prescribed in 538.273(a)(3), insert the following clause:

IDENTIFICATION OF PRODUCTS THAT CONTAIN RECOVERED MATERIALS, ARE ENERGY-EFFICIENT, OR HAVE OTHER ENVIRONMENTAL ATTRIBUTES (*e.g.*, REDUCED POLLUTANTS) (DATE)

Several laws, Executive orders, and Agency directives require Federal buyers to purchase products and services that are less harmful to the environment, when they are life cycle cost-effective (see FAR Subpart 23.7). The U.S. General Services Administration (GSA) requires contractors to highlight environmental products and services under Federal Supply Service Schedule contracts in various communications media; *e.g.*, publications and electronic formats.

(a) *Definitions.* "Recovered Materials," as used in this clause, means waste material and by-products which have been recovered or diverted from solid waste. This term does not include those materials and by-products generated from, and commonly reused, within an original manufacturing process (42 U.S.C. 6903(19)). For paper, it also includes postconsumer materials, and manufacturing certain other wastes. (42 U.S.C. 6962(h)). Note that the Environmental Protection Agency (EPA) has developed a list of Comprehensive Procurement Guideline Items (CPG Items) that directs Federal agencies to purchase products that meet recommended

minimum recovered materials levels for specific products (40 CFR Part 247).

"Energy-Efficient Product," as used in this clause, refers to a product that is either ENERGY STAR® labeled or its energy consumption measures in the upper 25 percent of efficiency within its comparable class of products as designated by the Department of Energy Federal Energy Management Program (FEMP). (See Executive Order 13123)

"Other Environmental Attributes," as used in this clause, refers to product characteristics that provide environmental benefits, excluding recovered materials and energy and water efficiency. Several examples of these characteristics are biodegradable, recyclable, reduced pollutants, ozone safe, and low volatile organic compounds (VOCs).

"GAS Advantage," as used in this clause, refers to the GSA electronic on-line shopping mall that makes it easier for Federal employees to order products and services via the internet.

(b) The offeror must identify products that contain recovered or remanufactured materials, are energy-efficient, water-efficient or have other environmental attributes in each of the offeror's following mediums:

- (1) The offer itself;
- (2) Printed commercial catalogs, brochures, and pricelists;
- (3) Online product website; and,
- (4) Electronic data submission for *GSA Advantage!*

(c) An offeror, in identifying an item with an environmental attribute, must possess evidence or rely on a reasonable basis to substantiate the claim (see 16 CFR 260, Guides for the Use of Environmental Marketing Claims). The government will accept an offeror's claim of an item's environmental attribute on the basis of—

(1) Participation in a Federal agency sponsored program, *e.g.*, the EPA and DOE Energy Star product labeling program;

(2) Verification by an independent organization that specializes in certifying such claims; or

(3) Possession of competent and reliable evidence. For any test, analysis research, study, or other evidence to be "competent and reliable," it must have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

(End of clause)

Dated: July 12, 2000.

**David Drabkin,**

*Deputy Associate Administrator for Acquisition Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1247

[STB Ex Parte No. 583]

#### Modification of the Class I Reporting Regulations

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Surface Transportation Board (Board) solicits comments on requiring Class I railroads to report the number of rail cars loaded and terminated annually. The effect of this proposal, if adopted, will be to ensure the continued availability of these data.

**DATES:** Comments are due on September 1, 2000.

**ADDRESSES:** Send comments (an original and 10 copies) referring to STB Ex Parte No. 583 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, NW, Washington, D.C. 20423-0001.

**FOR FURTHER INFORMATION CONTACT:** Paul A. Aguiar, (202) 565-1527 or H. Jeff Warren, (202) 565-1533. [Assistance for the hearing impaired is available through TDD services (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** The Association of American Railroads (AAR) currently collects quarterly data on the number of rail cars loaded and terminated by each Class I railroad in Equipment Report, Cars Loaded and Cars Terminated (AAR Form CS-54-1). Data contained in these quarterly reports are aggregated by the AAR to create an annual AAR Form CS-54-1 report for each railroad. These annual reports are used by the Board as inputs into the Uniform Railroad Costing System (URCS). To ensure the continued availability of these data, we propose that the Class I railroads file an abbreviated version of the AAR's annual Form CS-54-1 with the Board within 90 days after the end of the calendar year. The proposed STB report—Annual Report of Cars Loaded and Cars Terminated (Form STB-54)—would require reporting of only that data used as inputs for URCS, namely, Sections A and B of AAR Form CS-54-1.

If the proposed regulation set forth below is adopted, it will be codified at 49 CFR part 1247. Copies of proposed Form STB-54 and its instructions are available on the Board's web site ([www.stb.dot.gov](http://www.stb.dot.gov)) under decisions of this docket. Alternatively, copies can be requested by writing or calling the contact persons listed above.

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we preliminarily conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

#### List of Subjects in 49 CFR Part 1247

Freight, Railroads, Reporting and recordkeeping requirements.

Decided: June 30, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

**Vernon A. Williams,**  
*Secretary.*

For the reasons set forth in the Preamble, Part 1247 Report of Cars Loaded and Cars Terminated would be added to Title 49, Chapter X of the Code of Federal regulations to read as follows:

#### PART 1247—REPORT OF CARS LOADED AND CARS TERMINATED

**Authority:** 49 U.S.C. 721, 10707, 11144, 11145.

##### § 1247.1 Annual Report of Cars Loaded and Cars Terminated.

Beginning with the reporting period commencing January 1, 2001, and annually thereafter, each Class I railroad shall file Form STB-54, Annual Report of Cars Loaded and Cars Terminated with the Office of Economics, Environmental Analysis, and Administration (OEEA&A), Surface Transportation Board, Washington, DC 20243, within 90 days after the end of the reporting year. Blank forms and instructions are available on the Board's web site ([www.stb.dot.gov](http://www.stb.dot.gov)) or can be obtained by contacting OEEA&A.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

##### RIN 1018-AG26

#### Endangered and Threatened Wildlife and Plants; Proposed Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in North-Central South Dakota

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

**ACTION:** Proposed rule; availability of supplementary information.