Authority: 42 U.S.C. 7401–7671q.

2. In § 81.351, the Wyoming PM–10 table is amended by revising the entry for ''Powder River Basin'' to read as follows:

§ 81.351 Wyoming.

* * * * *

WYOMING—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * * *	*	*		*
Campbell County (part)	11/15/90	Unclassifiable	.....	
Converse County (part).				
That area bounded by Township 40 through 52 North, and Ranges 69 through 73 West, inclusive of the Sixth Principal Meridian, Campbell and Converse Counties, excluding the areas defined as the Pacific Power and Light Area, the Hampshire Energy Area, and the Kennecott/Puron PSD Baseline Area.—Powder River Basin.				
* * * *	*	*		*

* * * * *

[FR Doc. 96–22645 Filed 9–5–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5604–9]

40 CFR Part 300

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of Whiteford Sales & Service, Inc., site from the National Priorities List.

SUMMARY: The U.S. Environmental Protection Agency (EPA) Region 5 announces the deletion of the Whiteford Sales & Service, Inc., (WSS) site from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. This action is being taken by EPA and the State of Indiana because it has been determined that all appropriate Fund-financed responses at the WSS site under CERCLA have been implemented, that the WSS site poses no significant threat to public health or the environment, and that no further clean-up action at the site is appropriate.

EFFECTIVE DATE: September 6, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Tierney, U.S. EPA Region 5 (SR–6J), 77 W. Jackson Blvd., Chicago, IL 60604; (312) 886–4785. Information on the site is available at the local information repository located at: The St. Joseph County Public Library, Main Branch, 122 W. Wayne St., South Bend, Indiana. Requests for copies of documents should be directed in writing to the Regional Docket Office. The contact for the Regional Docket Office is E. Levy, U.S. EPA Region 5 (MRI–13J), 77 W. Jackson Blvd., Chicago, IL 60604.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Whiteford Sales & Service, Inc. (WSS) site located within the city limits of South Bend, St. Joseph County, IN, approximately 1 and ½ miles southwest of downtown. A Notice of Intent to Delete for the site was published on May 3, 1996 in the Federal Register (61 FR 19889). The closing date for public comments on the Notice of Intent to Delete was June 3, 1996. EPA received no comments and, therefore, no Responsiveness Summary was prepared.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund) financed remedial actions. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for additional Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental potection, Air pollution control, chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 13, 1996.

David A. Ullrich,

Acting Regional Administrator.

40 CFR Part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the site ''Whiteford Sales & Service/ Nationalease, South Bend, Indiana''.

[FR Doc. 96–22650 Filed 9–5–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 12

[CGD 94–029]

RIN 2115–AE94

Modernization of Examination Methods

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: By this final rule, the Coast Guard amends the rules that require examinations for merchant-marine licenses and for unlicensed ratings to be written and to be administered by it: This rule removes references to writing and broadens the scope of those authorized to administer the examinations. These two changes reflect the efforts of the Coast Guard to develop testing by alternative media and, with that testing, the use of private-sector and public-sector testing services. The development of more effective and modern examination of applicants for merchant-marine licenses and unlicensed ratings will enhance the safety of the maritime environment.

DATES: This final rule is effective on October 7, 1996.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G–LRA–2, 3406), [CGD 94–029], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, between 9:30 a.m. and 2:00 p.m. Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

FOR FURTHER INFORMATION CONTACT: Mr. Mark C. Gould, Project Manager, Marine Personnel Qualifications Branch (G–MOS–1), (202) 267–6890.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Currently, Coast Guard rules require that applicants for merchant-marine licenses and unlicensed ratings pass written examinations administered by it. During the latter part of 1993, the Coast Guard conducted meetings and discussions of a focus group, which addressed the future of Coast Guard licensing. Specifically, the group looked at ways to improve and modernize merchant-mariner examinations.

The report of the focus group, ''Licensing 2000 and Beyond'' (November, 1993), a copy of which is available in the public docket for this rulemaking [CGD 94–029] where indicated under **ADDRESSES** above, recommends that the Coast Guard's Marine Licensing Program adopt new methods of verifying competency, including practical demonstrations and the use of simulators. Practical demonstrations and simulators would provide more effective means of testing the skills of the applicants by requiring proper actions and reactions during real-time, real-world scenarios. Electronic methods of examination are employed by private sector and public-sector organizations. There is increasing user of Third-Party or Fourth-Party testing systems that maximize the significant benefits new technology offers. The report of the focus group defined a ''Third Party'' as one who trains or teaches the mariner, and a ''Fourth Party'' as someone, other than the Coast Guard or a Third Party, who administers a test or makes a subjective judgment about the competency of the mariner. The Coast Guard is exploring the possibility or implementing electronic methods and the use of Third-Party or Fourth-Party testing services.

However, 46 CFR 10.205, 10.207, 10.901, 12.05–9, 12.10–5, 12.15–9, and 12.20–5 specify that applicants need pass written (or oral) examinations administered by the Coast Guard. Because the Coast Guard is considering the use of other, proved methods of proficiency testing, which could significantly improve a very critical aspect of the Coast Guard's qualification system, this final rule removes the terms ''written'' and ''in writing'' from the rules governing merchant-marine examinations and makes minor revisions to authorize testing other than by the Coast Guard.

Regulatory History

On February 23, 1995, acting on the delegated authority, among others, of Chapters 71 (for 46 CFR Part 10) and 73 (for 46 CFR Part 12) of Title 46 of the United States Code, the Coast Guard published in the Federal Register [60 FR 10053] a notice of proposed rulemaking (NPRM), entitled Modernization of Examination Methods. The Coast Guard received eight letters commenting on the proposal. It held no public hearing.

Discussion of Comments

The Coast Guard received eight comments from various companies and individuals. Most supported the rulemaking. One flatly opposed it, and several expressed concern about its impact on mariners, maritime employers, and marine educational institutions. These concerns are addressed below.

One commentor stated that the Coast Guard does not solicit the ideas and comments of small businesses or other small organizations to examine the impact of proposed rules. Another insisted that it would have an adverse economic impact on independently owned and operated small businesses. The Coast Guard disagrees. As required by the Administrative Procedure Act (5 U.S.C. 553) and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard solicited comments from the public in the NPRM [60 FR 10053], and it considered all comments received during the comment period. In addition, it receives advice and recommendations from the Merchant Marine Personnel Advisory Committee (MERPAC) on a variety of matters pertaining to U.S. merchant mariners, including standards of training and qualification. The 19-member committee includes representatives from shipping companies both large and small, maritime academies, proprietary marine educators, and active mariners.

One commentor stated that this rulemaking is significant under section 3(f) of Executive Order 12866. The Coast Guard and OMB disagree. Because this final rule simply broadens the available methods of administering examinations, and because it changes the rules to allow the use of fourth-party testing in the future (beyond the existing authorization for third-party and Coast Guard testing), it should not harm any organization, large or small.

The specter of simulators disturbed several commentors, who adduced five main criticisms: (1) The Coast Guard is using this rulemaking to mandate the use of simulators as a stand-alone method to demonstrate proficiency. (2) Simulation will be used where a student's performance would be better ascertained by written examination. (3) Such radical changes in the examination process should be made slowly. (4) Simulators cannot adequately present the conditions encountered by towboats on rivers or inland waters. (5) There are insufficient simulators presently available for this program. These criticisms are mistaken.

(1) This rulemaking was undertaken to permit, rather than mandate, the use of simulators as an option to demonstrate proficiency. There is no intention to mandate the use of simulators as a sole means of demonstrating proficiency.

(2) Some subjects (meeting and passing, navigation involving traffic, and the like) are ideally suited to simulation because the evaluator can guage the timeliness and adequacy of the student's response. Others (tides and currents, employment of navigational equipment, and the like) are indeed better suited for a multiple-choice examination and use of reference materials. The use of simulators will be allowed only where it affords a clear advantage over written examinations.

(3) Because the Coast Guard is permitting, rather than mandating, the use of simulators and practical demonstration in addition to written examinations, changes can be introduced gradually. The Coast Guard

intends to retain written examinations for the foreseeable future.

(4) There is, in fact, one third-party training course approved by the Coast Guard for towboats that uses simulators for part of its curriculum, and uses them to good effect. This is simply another option available to the license candidate.

(5) Because the use of simulators as one part of testing is merely one option available to the license candidate, the number of courses approved by the Coast Guard and now available to the public that use simulators is irrelevant.

A related matter, the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), will affect virtually all phases of the system used in the United States to train, test, evaluate, license, certify and document merchant mariners for service on seagoing vessels. The Amendments will require both written examinations and practical demonstrations of skills and will promote the use of simulators. They are the subject of a separate rulemaking [CGD 95–062], an NPRM which appears at 61 FR 13284 (March 26, 1996).

One commentor opposed the Coast Guard's accepting successful completion of a course, approved by the Coast Guard and offered by a third-party company, that combines the use of simulators and written examinations, instead of an examination administered by the Coast Guard. The commentor felt that the written examination would be compromised. The Coast Guard disagrees. It will conduct independent visits and audits, under the authority of 46 CFR 10.303(f), to ensure that the conditions for Coast Guard approval are maintained. It may also administer partial examinations to applicants who have already successfully completed these courses so it can monitor whether training facilities are meeting their training objectives. Under the current rules (46 CFR 10.301) applicants who successfully complete certain approved courses offered by third-party trainers throughout the country, including administration of final examinations, are exempt from the requirement to pass examinations administered by the Coast Guard. There is no reason to amend or limit application of these rules, as long as adequate oversight is maintained.

One commentor stated that the Coast Guard should expand the role of the third-party training companies so that completion of their approved courses would satisfy major portions of licensing and documentation examinations. The Coast Guard agrees. Experience gained in recent years has convinced the Coast Guard that, under the right conditions and guidelines, a Coast Guard examination is unnecessary, if the candidate is subject to a rigorous program of evaluation by competent assessors.

Five commentors expressed support for the concept of fourth-party testing, but felt that Coast Guard testing should remain in place as a check against cost increases in private-sector testing. The Coast Guard agrees that this is a valid concern. The Coast Guard is maintaining its testing system.

One commentor stated that no third-party or fourth-party testing should be allowed unless proctored by professional mariners. In addition, the commentor cautioned the Coast Guard about third-party and fourth-party training or testing organizations' selling their services. The Coast Guard does not believe that these concerns warrant changes to the NPRM. There are currently more than 100 third-party training organizations that offer courses approved by the Coast Guard and that teach and examine applicants for licenses or merchant mariners' documents. In most instances, the applicants then must pass examinations administered by the Coast Guard. The operations of these organizations are overseen on a regular basis by Coast Guard personnel of local Regional Examination Centers (RECs). At least some of the personnel in each REC have military sea time, and several are former professional merchant mariners. Coast Guard personnel of Marine Safety Offices, reservists, and auxiliarists with river or seagoing experience may oversee these operations as well. For fourth-party testing, professional expertise in maritime matters is not relevant. Fourth-party testing organizations merely proctor and grade multiple-choice examinations for their employers. Any fourth-party testing organization involved in direct assessment of candidates will be subject to Coast Guard approval, including confirmation of the professional credentials of the staff involved in assessment.

One commentor had several questions concerning fourth-party testing. Although the Coast Guard is not implementing such testing in the immediate future, changes made by this final rule do enable the Coast Guard to implement the use or partial use of such testing in the future. Fourth-party testing may serve as a second alternative to traditional examinations administered by the Coast Guard, the first being third-party training with testing. The Coast Guard could, for example, submit a data bank of questions to the fourth-party examiner, who would randomly generate examinations. The only contact that fourth-party testers would then have with the course or student would be to administer and grade the examinations. Other approaches to fourth-party testing may emerge from increased use of simulators.

One commentor asked whether Coast Guard would dictate objectives of learning and methods of determining competency to the training companies, and whether it would dictate the curriculum. It currently has course-approval guidelines for most courses required by its rules. These guidelines, authorized by 46 CFR 10.302, describe the desired learning objectives but not the methods of determining competency. Although the Coast Guard does not dictate the curriculum, it will not approve it unless the information contained in the guidelines is imparted to the student. Although it does not anticipate imposing rigid requirements for the assessment of competency, it will take into account methods and criteria of assessment in its approval of courses permitted by this final rule.

One commentor expressed concern about organizations and courses which exist solely to assist the applicant in memorizing the answers to the questions in the bank of Coast Guard examinations and actually teach the applicant nothing. The use of simulators and practical demonstration of proficiency in certain topics will tend to eliminate this questionable method of examination preparation.

A maritime educational institution suggested that the Coast Guard issue each original license and each raise in grade or increase in scope as a nonrenewable temporary document, which would expire in five years unless replaced by a permanent license based on compliance with STCW. In contrast, a maritime educator suggested that each eligible student, upon graduation from a Federal or State maritime academy, automatically receive a license as a third mate or third assistant engineer. Whatever their merits, both comments lie well beyond the scope of this final rule, which merely removes the requirement that licensing examinations be written and allows other entities to administer them.

One commentor stated that this final rule should require the functional use of the English language. The Coast Guard agrees. Title 46 CFR 10.201(c) requires that ''an applicant for a license must demonstrate an ability to speak and understand English as found in the navigation rules, aids to navigation publications, emergency equipment

instructions, machinery instructions, and radiotelephone communications instructions.'' That rule remains unchanged by this. Likewise, the current rules regarding examinations for able seamen [46 CFR 12.05–9(b)], lifeboatmen [46 CFR 12.10–5(b)], and qualified members of the engine department [46 CFR 12.15–9(a)] all require that the examinations be conducted in the English language. These rules continue to be necessary to ensure that personnel in these critical positions will sufficiently understand orders that may come down under the stress of an emergency. The ability to understand such orders can make the critical difference in life-threatening situations. Therefore, these rules, too, remain unchanged by this.

In sum: The NPRM proposed to remove the terms ''written'' and ''in writing'' from the rules governing examinations administered by the Coast Guard for merchant mariners seeking licenses and raises of grade [46 CFR 10.205(i)(1), 10.207(d)(1), 10.217(a) (1) and (2), and 10.901(a)], and for applicants seeking to fill unlicensed ratings [46 CFR 12.05–9 (a) and (b), 12.10–5 (a) and (b), 12.15–9 (a) and (c), and 12.20–5]. (The last of these, 46 CFR 12.20–5, along with the rest of the subpart, 12.20, to which it belonged, was removed by a supervening Interim Rule on Tankermen [60 FR 17134 (April 4, 1995)].) The NPRM also proposed to let the Coast Guard Officer in Charge, Marine Inspection (OCMI), authorize the examination of applicants by private-sector and public-sector testing services. These two changes reflect the Coast Guard's efforts to develop more modern, efficient, and effective methods of examination.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) [44 FR 11040 (February 26, 1979)]. The Coast Guard expects the economic impact from this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This rule will impose no costs on industry.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which an NPRM is required. ''Small entities'' may include (1) Small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. As the Discussion of Comments makes clear, this final rule will place no additional costs on the public. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule contains no collection-of-information requirements under the Paper Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that it does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment. The authority to develop and administer examinations for merchant mariners' licenses and other documents has been committed to the Coast Guard by Federal statutes. If State or local governments ever did purport to regulate these examinations, the Coast Guard would move to pre-empt their acts for the sake of uniformity under the Commerce Clause of the Constitution; but the issue promises to remain hypothetical.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under paragraph 2.B.2.e(34)(c) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. The rule clearly has no environmental impact. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects

46 CFR Part 10

Reporting and recordkeeping requirements, schools, seamen.

46 CFR Part 12

Reporting and recordkeeping requirements, seamen.

For the reasons set out in the preamble, the Coast Guard amends 46 CFR parts 10 and 12 as follows:

PART 10—LICENSING OF MARITIME PERSONNEL

1. The authority citation for part 10 is revised to read as follows:

Authority: 31 U.S.C. 9701, 46 U.S.C. 2103, 2110; 46 U.S.C. Chapter 71; 49 CFR 1.45, 1.46; § 10.107 also issued under the authority of 44 U.S.C. 3507.

2. In § 10.205, paragraph (i)(1) is revised to read as follows:

§ 10.205 Requirements for original licenses and certificates of registry.

* * * * *

(i) *Professional Examination.* (1) When the OCMI finds the applicant's experience and training to be satisfactory and the applicant is eligible in all other respects, the OCMI will authorize the examination in accordance with the following requirements:

(i) Any applicant for a deck or engineer license limited to vessels not exceeding 500 gross tons, or a license limited to uninspected fishing-industry vessels, may request an oral-assisted examination in lieu of any written or other textual examination. If there are textual questions that the applicant has difficulty reading and understanding, the OCMI will offer the oral-assisted examination. Each license based on an oral-assisted examination is limited to the specific route and type of vessel upon which the applicant obtained the majority of service.

(ii) The general instructions for administration of examinations and the lists of subjects for all licenses appear in Subpart I of this part. The OCMI will place in the applicant's file a record indicating the subjects covered.

* * * * *

3. In § 10.207, paragraph (d)(1) is revised to read as follows:

§ 10.207 Requirements for raise of grade of license.

* * * * *

(d) *Professional Examination.* (1)(i) When the OCMI finds an applicant's experience and training for raise of grade to be satisfactory and the applicant is eligible in all other respects, the OCMI will authorize the examination. Oral-assisted examinations may be administered in accordance with § 10.205(i)(1). The OCMI will place in the applicant's file a record indicating the subjects covered.

(ii) The general instructions for administration of examinations and the lists of subjects for all licenses appear in Subpart I of this part.

* * * * *

4. In § 10.217, the second sentences of paragraphs (a) (1) and (2) are revised to read as follows:

§ 10.217 Examination procedures and denial of licenses.

(a)(1) * * * The examination fee set out in § 10.109 must be paid before the applicant may take the first examination section. * * *

* * * * *

(2) * * * The examination fee set out in § 10.109 must be paid before the applicant may take the first examination section. * * *

* * * * *

5. In § 10.901, paragraph (a) is revised to read as follows:

§ 10.901 General provisions.

(a) Each applicant for any license listed in this part shall pass examinations on the appropriate subjects listed in this subpart, except as noted in § 10.903(b).

* * * * *

PART 12—CERTIFICATION OF SEAMEN

6. The authority citation for part 12 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2103, 2110, 7301, 7701; 49 CFR 1.46.

7. In § 12.05–9, paragraph (a) and the introductory text of paragraph (b) are revised to read as follows:

§ 12.05–9 Examination and demonstration of ability.

(a) Before an applicant is certified as an able seaman, he or she shall prove to the satisfaction of the Coast Guard by oral or other means of examination, and by actual demonstration, his or her knowledge of seamanship and the ability to carry out effectively all the duties that may be required of an able seaman, including those of a lifeboatman. The applicant shall demonstrate that he or she:

(1) Has been trained in all the operations connected with the launching of lifeboats and liferafts, and in the use of oars;

(2) Is acquainted with the practical handling of boats; and

(3) Is capable of taking command of the boat's crew.

(b) The examination, whether administered orally or by other means, must be conducted only in the English language and must consist of questions regarding:

* * * * *

8. In § 12.10–5, paragraph (a) and the introductory text of paragraph (b) are revised to read as follows:

§ 12.10–5 Examination and demonstration of ability.

(a) Before an applicant is certified as a lifeboatman, he or she shall prove to the satisfaction of the Coast Guard by oral or other means of examination, and by actual demonstration, his or her knowledge of seamanship and the ability to carry out effectively all the duties that may be required of a lifeboatman. The applicant shall demonstrate that he or she:

(1) Has been trained in all the operations connected with the launching of lifeboats and liferafts, and in the use of oars;

(2) Is acquainted with the practical handling of boats; and

(3) Is capable of taking command of the boat's crew.

(b) The examination, whether administered orally or by other means, must be conducted only in the English language and must consist of questions regarding:

* * * * *

9. In § 12.15–9, the first sentence of paragraph (a), and paragraph (c), are revised to read as follows:

§ 12.15–9 Examination requirements.

(a) Each applicant for certification as a qualified member of the engine department in the rating of oiler, watertender, fireman, deck engineer, refrigeration engineer, junior engineer, electrician, or machinist shall be examined orally or by other means and only in the English language on the subjects listed in paragraph (b) of this section. * * *

* * * * *

(c) Each applicant for certification as a qualified member of the engine department in the rating of pumpman shall, by oral or other examination, demonstrate sufficient knowledge of the subjects peculiar to that rating to satisfy the Officer in Charge, Marine Inspection, that he or she is qualified to perform the duties of that rating.

* * * * *

Dated: August 15, 1996.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Marine Safety and Environmental Protection.

[FR Doc. 96–22746 Filed 9–5–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5602–4]

48 CFR Parts 1506, 1534, 1536, 1542, 1545, and 1552

Acquisition Regulation

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is removing from the EPA Acquisition Regulation (EPAAR) (48 CFR Chapter 15) its coverage for conduct of surveys; implementing OMB Circular A–109, Major Systems Acquisitions; special aspects of sealed bidding in construction contracting; additive or deductive items; indirect cost rates; and management of Government property in the possession of contractors.

EFFECTIVE DATE: September 6, 1996.

FOR FURTHER INFORMATION CONTACT: Louise Senzel, Environmental Protection Agency, Office of Acquisition Management (3802F), 401 M Street, SW, Washington, D.C. 20460. Telephone: (202) 260–6204.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule eliminates from the EPAAR coverage on conduct of market surveys, implementation of OMB Circular A–109 on Major Systems Acquisitions, special aspects of sealed bidding in construction contracting, additive or deductive items, indirect cost rates, and management of Government property in the possession of contractors. The coverage is obsolete, for which new FAR coverage is available; the coverage is duplicative of OMB Circular A–109; or the coverage includes procedures internal to EPA, unnecessary for inclusion in the EPAAR. Codification of the Agency's internal procedures is unnecessary, since they have no significant cost or administrative impact on contractors or offerors. Consequently, EPA will retain any implementing guidance and internal procedures in an internal directive, where necessary.

B. Executive Order 12866

The final rule is not a significant regulatory action for the purposes of Executive Order 12866; therefore, no review is required by the Office of Information and Regulatory Affairs.