associated shipping costs for the purchased items (which includes raw materials), off-the-shelf items (and similar proportionately high-cost common supply items requiring additional manufacturing or incorporation to become end items), special tooling, special testing equipment, and construction equipment purchased for and required to perform on the contract. In the case of a supply contract, the acquisition of services or products from outside sources following normal commercial practices within the industry are also included.

(5) *Off-the-shelf item*. An item produced and placed in stock by a manufacturer, or stocked by a distributor, before orders or contracts are received for its sale. The item may be commercial or may be produced to military or Federal specifications or description. Off-the-shelf items are also known as Nondevelopmental Items (NDI).

(6) *Personnel.* Individuals who are ''employees'' under § 121.106 of this chapter.

(7) *Subcontracting.* That portion of the contract performed by a firm, other than the concern awarded the contract, under a second contract, purchase order, or agreement for any parts, supplies, components, or subassemblies which are not available off-the-shelf, and which are manufactured in accordance with drawings, specifications, or designs furnished by the contractor, or by the government as a portion of the solicitation. Raw castings, forgings, and moldings are considered as materials, not as subcontracting costs. Where the prime contractor has been directed by the Government to use any specific source for parts, supplies, components subassemblies or services, the costs associated with those purchases will be considered as part of the cost of materials, not subcontracting costs.

(c) SBA will determine compliance with the Prime Contractor Performance Requirements as of the following dates:

(1) In a sealed bid procurement, as of the date the bid was submitted;

(2) In a negotiated procurement, as of the date the concern submits its best and final offer. If a concern is determined not to be in compliance at the time it submits its best and final offer, it may not come into compliance later for that procurement by revising its subcontracting plan.

(d) Compliance will be considered an element of responsibility and not a component of size eligibility.

(e) The period of time used to determine compliance will be the period of performance which the evaluating agency uses to evaluate the proposal or bid. If the evaluating agency fails to articulate in its solicitation the period of performance it will use to evaluate the proposal or bid, the base contract period, excluding options, will be used to determine compliance. In indefinite quantity contracts, performance over the guaranteed minimum will be used to determine compliance unless the evaluating agency articulates a different period of performance which it will use to evaluate the proposal or bid in its solicitation.

(f) Work to be performed by subsidiaries or other affiliates of a concern is not counted as being performed by the concern for purposes of determining whether the concern will perform the required percentage of work.

(g) The procedures of § 125.5 apply where the contracting officer determines non-compliance, the procurement is a full or partial small business set-aside or an SDB has claimed a preference, and refers the matter to SBA for a COC determination.

Dated: January 19, 1996.

Philip Lader,

Administrator.

[FR Doc. 96–1157 Filed 1–30–96; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 05–96–002]

Regulated Navigation Area: Chesapeake Bay Ice Navigation Season

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: Coast Guard Captain of the Port (COTP) Baltimore is placing in effect from January 4, 1996 to April 15, 1996 the Regulated Navigation Area for the Maryland portion of the Chesapeake Bay, the District of Columbia, the Potomac River and its tributaries on the Maryland side, and the Maryland portion of the Chesapeake and Delaware Canal. Operators of specified vessels are required to contact COTP Baltimore prior to entering or getting underway within the Regulated Navigation Area to determine if operating restrictions have been imposed due to ice conditions.

EFFECTIVE DATES: Section 165.503 of 33 CFR is effective from 12:01 a.m., January 4, 1996 to 12:01 a.m., April 15, 1996, unless sooner terminated by the Captain of the Port Baltimore by publication of a notice in the Federal Register.

SUPPLEMENTARY INFORMATION: Call the 24 Hour recorded message at (410) 576–2682, or U.S. Coast Guard Activities Baltimore Duty Officer at (410) 576–2520 for COTP ice information.

Drafting Information. The drafters of this regulation are Lieutenant Eric Bautz, project officer, Captain of the Port, Baltimore, Maryland, and Lieutenant Kathleen A. Duignan, project attorney, Fifth Coast Guard District Legal Staff.

Discussion

Ice conditions frequently exist during winter months on the northern portion of Chesapeake Bay and its tributaries, including the Chesapeake and Delaware Canal. Severe ice conditions may threaten the safety of persons, vessels and the environment. COTP Baltimore may issue specific COTP orders imposing operating restrictions due to ice conditions, vessel construction, and cargo. Mariners are also encouraged to monitor Broadcast Notices to Mariners to determine if ice conditions exist in a specific area.

Section 165.503 of 33 CFR establishes a Regulated Navigation Area (RNA). Operators of vessels carrying oil or hazardous materials in bulk as cargo or residue, power-driven vessels of three hundred gross tons or more, vessels of one hundred gross tons or more carrying one or more passengers for hire, and towing vessels of 26 feet or more in length must contact COTP Baltimore before entering or getting underway within the RNA to obtain current COTP orders. Section 165.503 will remain in effect from January 4, 1996 to April 15, 1996.

Dated: January 3, 1996.

G.S. Cope,

Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. 96–1882 Filed 1–30–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–5406–3]

Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of stay and reconsideration.

SUMMARY: This action announces a three-month stay and reconsideration of

a certain reporting requirement in the petition process for the import of used class I controlled substances promulgated under sections 604 and 606 of the Clean Air Act Amendments of 1990. The effectiveness of 40 CFR 82.13(g)(2)(viii), that requires the importer to certify that the purchaser of the controlled substance is liable for the tax, is stayed for three months pending reconsideration. The EPA is issuing this stay pursuant to section 307(d)(7)(B) of the Clean Air Act, which provides the Administrator authority to stay the effectiveness of a rule during reconsideration.

In the proposed rules Section of today's Federal Register document, EPA is proposing to extend this stay to the extent necessary to complete reconsideration (including any appropriate regulatory action) of the rule in question.

DATES: Effective January 31, 1996, 40 CFR 82.13(g)(2)(viii) is stayed until April 30, 1996.

ADDRESSES: Comments and materials supporting this rulemaking are contained in Public Docket No. A–92–13, Waterside Mall (Ground Floor) Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 in room M–1500. Dockets may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Tom Land, Stratospheric Protection Division, Office of Air and Radiation, U.S. Environmental Protection Agency (6205–J), 401 M Street, SW., Washington, DC 20460, (202) 233–9185. The Stratospheric Ozone Information Hotline at 1–800–296–1996 can also be contacted for further information.

SUPPLEMENTARY INFORMATION:

I. Background

On May 31, 1995, PAACO International, Inc., an importer of used class I controlled ozone-depleting substances, sent to the United States Environmental Protection Agency (EPA) a petition for reconsideration of one reporting requirement in the petition process for the import of used class I controlled substances. This reporting requirement is included as § 82.13(g)(2)(viii) in the amendment to the Accelerated Phaseout Rule promulgated on May 10, 1995 (60 FR 24970). The provision requires an importer to certify that the purchaser of the used substances is liable for the excise tax. By this action, EPA is convening a proceeding for reconsideration.

II. Rules to be Stayed and Reconsidered

EPA proposed amendments to the accelerated phaseout regulation in the Federal Register on November 10, 1994. In the proposal, EPA discussed options for addressing the illegal import of controlled substances that are mislabelled as being previously used. EPA viewed the potential for mislabelling virgin ozone-depleting substances as ''used'' as a possible loophole in the controls on imports. The controls on imports are established in the phaseout regulation in accordance with United States' obligations under the Montreal Protocol and as required by the Clean Air Act Amendments of 1990 (CAAA) in Section 604(c). The final rule amending the accelerated phaseout regulation was published in the Federal Register on May 10, 1995, and established a petition process for the import of used class I controlled substances in § 82.13(g)(2). A person wishing to import used class I controlled substances is required to submit a petition to EPA at least 15 working-days before the shipment is to leave the port of export. The petition must provide specific information to allow EPA to independently verify that the material was in fact previously used. Section 82.13(g)(2)(viii) requires the person submitting the petition to certify that the purchaser of the used substances is liable for the tax.

The petitioners stated as the basis for their request for the stay and reconsideration that EPA did not give public notice of this requirement and therefore it was ''impracticable to raise objections'' to the provision during the public comment period. The petitioner also claimed that the objections are of central relevance to the rule because it believes that ''purchasers'' are not liable for the tax, it could not certify liability, and it could not conduct its business under the rule.

Today's action stays the requirement in § 82.13(g)(2)(viii) regarding certification of liability for the tax. EPA recognizes that the proposed rule did not discuss the possibility of a certification of liability for taxes. The Agency has completed a preliminary review of PAACO's information and will reconsider the need to include such a requirement.

III. Issuance of Stay

EPA hereby issues a three-month administrative stay of the effectiveness of § 82.13(g)(2)(viii), including all applicable compliance dates (60 FR 25001). EPA will reconsider this rule, as discussed above and, following the notice and comment procedures of section 307(d) of the Clean Air Act, will take appropriate action.

If the reconsideration results in provisions for the import of used class I controlled substances that are stricter than the existing rule, EPA will propose an adequate compliance period from the date of final action on reconsideration. EPA will seek to ensure that the affected parties are not unduly prejudiced by the Agency's reconsideration.

IV. Authority for Stay and Reconsideration

The administrative stay and reconsideration of the rule and associated compliance period announced by this notice are being undertaken pursuant to section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. 7607(d)(7)(B). That provision authorizes the Administrator to stay the effectiveness of a rule for three months in order to consider a request for reconsideration. The issues in the petition for reconsideration were impracticable to raise during the comment period, and are of central relevance to the outcome of this provision of the rule.

V. Proposed Additional Temporary Stay

Because EPA may not be able to complete the reconsideration (including any appropriate regulatory action) of the rule stayed by this document within the three-month period expressly provided in section 307(d)(7)(B), in the Proposed Rules Section of today's Federal Register, EPA proposes a temporary extension of the stay beyond the three months provided, only to the extent necessary to complete reconsideration of the rule in question.

I certify that this stay of a reporting requirement for a petition to import used controlled substances will not have any additional negative economic imports on any small entities.

VI. Effective Date

This action is effective on January 31, 1996.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Chlorofluorocarbons, Exports, Hydrochlorofluorocarbons, Imports,

Interstate commerce, Nonessential products, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: January 11, 1996.

Carol M. Browner,

Administrator.

Part 82, chapter I, title 40, of the code of Federal Regulations, is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

2. Section 82.13 is amended by January 31, 1996 staying paragraph (g)(2)(viii) from until April 30, 1996.

[FR Doc. 96–1553 Filed 1–31–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[TN–154–7092a; FRL–5328–7]

Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to Process Emission Standards for New and Existing Cotton Gins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee through the Tennessee Department of Environment and Conservation on April 18, 1995. This submittal included revisions to the current regulations concerning process emission standards for new and existing cotton gins. These revisions also provide an optional method of using selected controls to demonstrate compliance with the emission standards.

DATES: This final rule is effective April 1, 1996 unless adverse or critical comments are received by March 1, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments on this action should be addressed to Karen Borel, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243–1531.

FOR FURTHER INFORMATION CONTACT: Interested persons wanting to examine documents relative to this action should make an appointment with the Region 4 Air Programs Branch at least 24 hours before the visiting day. To schedule the appointment or to request additional information, contact Karen C. Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 EPA, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347–3555 extension 4197. Reference file TN154–01–7092.

SUPPLEMENTARY INFORMATION: On April 18, 1995, the State of Tennessee through the Tennessee Department of Environment and Conservation submitted a revision to their SIP incorporating changes to regulations for new and existing cotton gins. The SIP revision consists of changes to Paragraph 1200–3–7–.08(3). EPA is approving these revisions which are summarized as follows.

1. Subparagraph 1200–3–7–.08(3)(a) has been revised. This subparagraph has been amended to add definitions for the following items: ''Cotton Gins;'' ''Cotton Gin Site or Gin Site;'' ''High Efficiency Cyclone;'' ''Low Pressure Exhausts;'' ''High Pressure Exhaust;'' and ''Dust House.'' The former subparagraph prohibited ''the emission of particulate matter in any on hour in excess of * * * amount shown in Table 4'' and has been deleted. This requirement was incorporated into Subparagraph 1200–3–7–.08(3)(b).

2. Subparagraph 1200–3–7–.08(3)(b) has been revised. This paragraph has been amended by deleting the former language that allowed the total process weight from all similar units at a plant to be used to determine the maximum allowable emission of particulate matter from a stack. This has been replaced by the requirements that the owner or operator of the cotton gin meet the standards set forth in Table 4 of this paragraph. Table 4 establishes the allowable rate of particulate emissions based on the process weight rate for new and existing cotton gins. These allowable emission rates have not been amended. This revised subparagraph alternatively allows the owner or operator of a cotton gin to utilize defined control devices, rather than demonstrating compliance with the emission standards. The control devices which are allowed include screens with a mesh size of 80 by 80 or finer, or perforated condenser drums with holes of .045 inches in diameter or less, or dust houses for emission control from low pressure exhausts. For emission control from high pressure exhausts, high efficiency cyclones may be used to demonstrate compliance. Subparagraph 1200–3–7–.08(3)(b) has also been amended to prohibit the burning of cotton gin waste at a gin site in a wigwam or any other type of enclosed burner.

3. Subparagraph 1200–3–7–.08(3)(c) has been revised. The former subparagraph required compliance by January 1, 1973, or July 1, 1975. This language was deleted. The new compliance date for this regulation has been included in subparagraph (b), above, and is now July 1, 1991. The revised paragraph (c) now states that the ''allowable particulate emission standards for * * * cotton gins shall be determined by Table 4.'' This language was contained in subparagraph (a) prior to this SIP revision.

4. Table 4, subparagraph 1200–3–7-.08(3), has been revised. The title of this table has been modified from ''Allowable Particulate Emission Based on Process Weight Rate for Cotton Gins'' to ''Allowable Rate of Particulate Emissions Based on Process Weight Rate for New and Existing Cotton Gins.'' The address for the Tennessee Division of Air Pollution Control has also been updated.

Final Action

EPA is approving the aforementioned * revisions contained in the State's April 18, 1995, submittal. The EPA is publishing this rulemaking without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 1, 1996, unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a