

effective as scheduled. However, if the Coast Guard receives written adverse comment or written notice of intent to submit adverse comment, the Coast Guard will publish a notice in the Federal Register to announce withdrawal of all or part of the direct final rule. If adverse comments apply to only part of this rule, and it is possible to remove that part without defeating the purpose of the rule, the Coast Guard may adopt as final those parts of this rule on which no adverse comment were received. The part of the rule that is the subject of adverse comment will be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of adverse comments, a separate Notice of Proposed Rulemaking (NPRM) will be published and a new opportunity for comment provided.

A comment is considered "adverse" if the comment explains why the rule would be inappropriate, including a challenge to the rule's underlying premise or approach or would be ineffective or unacceptable without a change. A comment submitted in support of a rule is not adverse. A comment suggesting that the policy requirements of the rule should or should not be extended to other Coast Guard programs is outside the scope of the rule and is not adverse.

#### Background and Purpose

This project resulted from a review of the Code of Federal Regulations (CFR) required by the Presidential Regulatory Reinvention Initiative review to rid the CFR of unnecessary regulations. This rule will remove Appendix A or Part 81 of 33 CFR which reprints the text of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) published at 33 U.S.C. § 1602. The 72 COLREGS implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972 which was adopted by Presidential Proclamation in 1972. The text in the CFR which will be eliminated by this rule exactly duplicates the text set out in the United States Code. Therefore, the Coast Guard believes that it is both unnecessary for the text to be reprinted in the Code of Federal Regulations. Additionally, the practical effect of this elimination should be minimal as the text of the 72 COLREGS is also reprinted in Commandant Instruction (COMDTINST M16672.2B) which is available to the public through the Government Printing Office. Since these laws are available in the United States Code (U.S.C.) and can be acquired through the Government Printing Office, the Coast Guard has determined that

Appendix A should be eliminated as unnecessary.

Additionally, the list of U.S. territories where the 72 COLREGS apply, contained in the special note to Subchapter D in 33 CFR, is being updated to remove the Trust Territory of the Pacific Islands. This is an administrative update being made because the Trust Territory of the Pacific Islands is no longer a U.S. territory.

The Coast Guard is retaining in 33 CFR the interpretative rulings regarding the 72 COLREGS as well as the demarcation lines delineating the boundaries where the 72 COLREGS apply.

#### Regulatory Evaluation

This 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 of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The Coast Guard determined that a full Regulatory Evaluation was unnecessary because this rule is simply an administrative action eliminating unnecessary text from the CFR and will have no significant impact on the maritime community.

#### 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 a general notice of proposed rulemaking 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.

This project will not impose any cost on the marine industry. Mariners have easy access to these laws through Coast Guard publications which are available from the Government Printing Office as well as through the United States Code. This change will serve an indirect benefit to the Federal Government by saving the cost of printing seventeen pages in the Code of Federal Regulations.

Therefore, the Coast Guard finds that this rule will not have a significant economic impact on a substantial number of small entities. Any comments submitted in response to this finding will be evaluated under the criteria described earlier in the preamble for comments.

#### Collection of Information

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

#### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2.e(34)(a) of The NEPA Implementing Procedures, COMDTINST M16475.1B. (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 81

Navigation (water), Reporting and recordkeeping requirements, Treaties.

For the reasons set out in the preamble and under the authority of 33 U.S.C. 1602, the Coast Guard amends 33 CFR chapter 1 and part 81 as follows:

#### *Subchapter D [Amended]*

1. The special note at the beginning of subchapter D is amended by removing "The Trust Territory of the Pacific Islands" from the listing in paragraph a.

#### **PART 81—[AMENDED]**

2. The authority for part 81 continues to read as follows:

Authority: 33 U.S.C. 1607; E.O. No. 11964; 44 CFR 1.46.

3. Appendix A to part 81 is removed.

Dated: December 22, 1995.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.  
[FR Doc. 95-31522 Filed 12-29-95; 8:45 am]

BILLING CODE 4910-14-M

## GENERAL SERVICES ADMINISTRATION

**41 CFR Parts 201–1, 201–2, 201–3, 201–4, 201–6, 201–7, 201–17, 201–18, 201–20, 201–21, 201–22, 201–24 and 201–39**

[FIRMR Amendment 7]

RIN 3090–AF31

### Amendment of FIRMR Provisions To Ensure Currency and Relevancy

**AGENCY:** Information Technology Service, GSA.

**ACTION:** Final rule.

**SUMMARY:** This document amends selected Federal Information Resources Management Regulation (FIRMR) provisions to ensure the currency and relevancy of the FIRMR. It is issued in accordance with Executive Order 12866 of September 30, 1993, which requires agencies to periodically review their significant regulations to determine whether they should be modified or eliminated.

This rule makes a number of changes to the FIRMR. Among the more significant changes, are the following: add, change, or remove FIRMR definitions and acronyms including redefining “outdated equipment” to mean Federal information processing equipment over six years old that is no longer in current production; revise provisions pertaining to accessibility by individuals with disabilities to implement the new focus in the Rehabilitation Act Amendment of 1992 on information rather than equipment; permit agency heads to grant exceptions to the mandatory use of a Federal Standard (FED–STD) after notification to GSA; clarify the intent of the FIRMR requirement for agencies to conduct requirements analyses “commensurate with the size and complexity of the need”; allow agencies to substitute similar documentation prepared in response to programmatic needs for requirements analyses; establish a threshold below which agencies do not have to prepare a requirements analysis or analysis of alternatives; clarify that agencies need only perform an analysis of alternatives for those alternatives most feasible to implement; raise the threshold from \$50,000 to \$1,000,000 for doing an analysis of alternatives limited to demonstrating that the benefits of the acquisition will outweigh the costs; specify ratification procedures when a delegation of procurement authority (DPA) is required from GSA but has not been obtained; remove the reporting requirements to GSA for

listening-in to or recording telephone conversations and toll-free telephone service; clarify procedures for economical capability and performance validation; revise the scope of obsolescence reviews to include equipment that may be obsolescing; expand the exception from \$300,000 to \$1,000,000 for award based on lowest offered purchase price; clarify that agencies must submit post delegation information to GSA for specific acquisition delegations; clarify procedures for evaluating outdated and obsolete information technology; and remove an antiquated clause concerning warranty exclusion and limitation of damages.

**EFFECTIVE DATE:** This rule is effective February 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Judy Steele, GSA, Center for Information Technology Policy and Regulations Management (KAR), 18th & F Streets, NW., Room 3224, Washington, DC 20405, telephone FTS/Commercial (202) 501–3194 (v) or (202) 501–0657 (tdd).

**SUPPLEMENTARY INFORMATION:** (1) This amendment incorporates provisions of two notices of proposed rulemaking (NPR’s) published in the Federal Register (FR) on December 6, 1994 and January 10, 1995. The December 6, 1994, FR notice proposed various changes to several sections of the FIRMR. The January 10, 1995, FR notice, erroneously published as an amendment to Part 39 of the Federal Acquisition Regulation, provided clarification regarding ratification procedures for contracts that required a delegation of procurement authority (DPA) from GSA when the DPA had not been obtained initially. The following summarizes the changes being made as a result of these notices:

(a) Sections 201–1.003(a), 201–3.000, 201–3.001(a), 201–3.101, 201–3.201(d), 201–3.3 and the title to part 201–3 are amended to discontinue the opportunity for agencies to establish supplements to the FIRMR as part of the Code of Federal Regulations (CFR). GSA has determined that agencies have not issued such regulations in the CFR since the establishment of the FIRMR, and that the provisions are therefore unnecessary.

(b) Section 201–1.003 paragraph (d) is amended by deleting responsibilities of the Archivist of the United States. It is the intent of the FIRMR to only implement GSA’s authorities and responsibilities. Including the Archivist’s responsibilities in the FIRMR is, therefore, unnecessary.

(c) Section 201–2.001 paragraphs (a)(1) through (6) are removed. The

original text was taken from the Paperwork Reduction Act. However, not all provisions were excerpted. This resulted in some confusion.

Accordingly, the text is being removed so that agencies will refer to the Paperwork Reduction Act to learn the specific responsibilities of the designated senior official.

(d) Section 201–2.001 paragraph (b) is amended by removing the last sentence which pertained to agencies not subject to the Paperwork Reduction Act. This information is adequately covered in § 201–2.002.

(e) Section 201–2.002 is amended by changing the sequence of paragraphs (a) through (c). The revised sequence more accurately aligns the responsibilities of the agency designated senior official (DSO).

(f) Section 201–3 discusses the organization of the FIRMR, how it is supplemented with other guidance issuances, and its relationship to the Federal Acquisition Regulation (FAR). Section 201–3.001 is amended to remove unnecessary details which pertain to circumstances giving rise to interim rules. This information is more appropriately discussed in § 201–3.203. Section 201–3.203 paragraph (c) replaces the term “temporary change” with the words “interim rule” to standardize terminology pertaining to revising the FIRMR. Also removed for brevity is a redundant sentence that lists the various types of guidance material already described. For consistency, the enumeration of the types of guidance issuances contained in the FIRMR (§ 201–3.001(b)(1) through (3)) is changed to small roman numerals.

(g) Section 201–3.001 paragraph (b)(i) is amended to reflect the current availability of the FIRMR on CD-ROM.

(h) Section 201–3.204 paragraph (a) is amended to update the phone number for the Government Printing Office (GPO) Bookstore.

(i) In sections 201–4.001 and 201–39.201, the definition for outdated FIP equipment is revised to shorten the period for determining when FIP equipment is outdated. The FIRMR defines outdated FIP equipment as any FIP equipment over eight years old, based on the initial commercial installation date of that model of equipment, and that is no longer in current production. This definition has been in existence since 1986 when the product cycle of computer equipment was four years. Since that time, the product life cycle has decreased to about three years, and industry spokesmen state that this figure is decreasing even more. When microcomputers are upgraded, the

product cycle may be even less since typically they are upgraded by replacing internal components. The "chip" life cycle for these components is generally 18 to 24 months. Additionally, after five years most computer equipment has little or no market value. In recognition of these facts, the definition for outdated equipment is being revised to shorten the time interval from eight to six years after the first commercial installation at which point equipment no longer produced is considered to be outdated.

(j) Section 201-4.001 is amended by adding a new definition for "Records management." The FIRMR discusses records management in subpart 201-9.1, but has never included a definition. The definition added is the same as contained in OMB Circular A-130. Also, the existing definitions of "application software" and "common-use software" are designated as subcategories (a) and (b) respectively of the larger term, "Software" for consistency of format.

(k) Section 201-4.002 is revised to include the following new acronyms: CBD, FED-STD, FSTS, GAO, GSBGA, IRPMR, MOL, OAC, and POTS. These acronyms were used in the FIRMR index, but previously were not defined.

(l) Section 201-4.003, Applicable OMB Circulars, is being added. In order to avoid future changes to FIRMR text caused by revisions of OMB Circular titles, this new section is added to include the current titles of all OMB Circulars referenced in the FIRMR.

(m) Section 201-6.001 is revised to add a new item (a)(5) to more closely reflect the provisions of the Paperwork Reduction Act, as well as address matters raised in OMB Circular A-130. These include improving service delivery, dissemination of information, increasing productivity, improving the quality of decision making, reducing fraud and waste, and reducing the information collection burden on the public. Section 201-6.001 is also revised to redesignate the previous item (5) as new item (6).

(n) A series of revisions are being made due to Public Law 102-569 (dated October 29, 1992), which amended the Rehabilitation Act of 1973 by broadening the scope of accessibility for individuals with disabilities. These revisions capture more thoroughly the intent of Pub. L. 102-569. The previous version of the Rehabilitation Act only required that GSA ensure those with disabilities can access "electronic office equipment." The revised statute recognizes that while equipment accessibility is important, that alone is not sufficient because an agency's applications software and user interfaces can impede the functional use

of a computer if they do not have features permitting use by individuals with disabilities. The revised statutory provision emphasizes that all individuals must be able to use technology to accomplish the same end objectives.

A new paragraph 201-6.002(g) is added to include as a predominant consideration in the management and use of information and records, the importance of ensuring that individuals with disabilities can produce information and data, and have access to information and data, comparable to the information and data, and access, respectively, of others. Section 201-6.002 is also revised to redesignate the previous item (g) as new item (h).

In addition to the insertion of 201-6.002(g), discussed above, other provisions of the FIRMR pertaining to accessibility by individuals with disabilities are being revised to incorporate the statutory intent of Pub. L. 102-569. These other FIRMR provisions are:

- 201-17.001(j)—Predominant Considerations in the Management and Use of Federal Information Processing (FIP) Resources;
- 201-18.001(e), which generally describes the Federal Government's statutory responsibility to foster accessibility for individuals with disabilities;
- 201-18.002(c), which pertains to adoption of accessibility guidelines in agency IRM plans; and
- 201-20.103-7(a), which requires agencies to incorporate accessibility requirements in their acquisitions of FIP resources.

(o) Section 201-7.001 paragraph (b) is revised to delete a reference to canceled OMB Circular A-3.

(p) Section 201-7.002 paragraph (c) is revised to clarify when information needs are determined. The existing text suggested that information needs were to be determined before conducting a requirements analysis. The revised text reflects that determining information needs and analyzing requirements are frequently concurrent activities.

(q) Section 201-9.202-1 paragraph (b)(9) is revised to update the current mailing address for the Supply Management Division.

(r) The existing text in paragraph 201-20.001(d) referenced the specific subjects of requirements analysis and analysis of alternatives in the GSA Acquisition Guide series. The reference to the guide series is unnecessary and is being deleted.

(s) Subpart 201-20.1 is revised to clarify GSA's intent regarding the

preparation of requirements analyses. Currently, the FIRMR requires agencies to document their requirements for FIP resources "by conducting a requirements analysis commensurate with the size and complexity of the need." Some agencies have questioned the necessity of conducting a requirements analysis and preparing the required documentation when a similar document has already been prepared in conformance with agency programmatic needs. The FIRMR is being revised to allow agencies to use such similar documents if they address the basic information required in a requirements analysis.

Other agencies have misinterpreted the intent of the phrase "commensurate with the size and complexity of the need," and, in some cases, are over documenting requirements for small dollar acquisitions. These small dollar acquisitions are usually for commercial items readily available in the competitive marketplace. FAR planning provisions and agencies' internal procurement procedures provide sufficient information for requirements to justify small dollar value acquisitions. To ensure more expeditious and efficient acquisitions, this rule establishes a threshold for when agencies must conduct requirements analyses and analyses of alternatives. Sections 201-20.102 and 201-20.202 are revised to eliminate the requirement to perform requirements analyses and analyses of alternatives for acquisitions of FIP resources when the total estimated system life costs of the FIP resources are less than \$500,000. Agencies may establish internal documentation procedures when the acquisitions involve FIP resources valued at less than \$500,000. However, agencies are encouraged to keep such documentation requirements to a minimum.

Additionally, § 201-20.103 is revised to require that agencies only consider the factors in this section if it is appropriate to do so. This allows agencies to exercise discretion regarding whether or not to include the factors in their requirements analyses.

(t) Subpart 201-20.2 requires agencies to perform an analysis of alternatives based on the requirements analysis to determine the most advantageous alternative that will meet their needs. Like the requirements analysis, the analysis of alternatives must be "commensurate with the size and complexity of the agency's need". As indicated in paragraph 201-20.203-1(a)(1), GSA's intention was that agencies only include in the analysis of alternatives those alternatives that are

truly feasible to implement. It has come to our attention, however, that some agencies are analyzing all alternatives, whether or not they are feasible in the specific circumstance. This unnecessarily complicates and lengthens the acquisition process. Accordingly, section 201–20.202, which states the FIRMR policy on performing analyses of alternatives, is being revised to emphasize that agencies should limit the number of alternatives analyzed to those that are most feasible to implement. Other changes are also being made to this subpart. Section 201–20.203–2 is being revised to increase from \$50,000 to \$1,000,000 the threshold for performing a more detailed analysis of alternatives. Accordingly, agencies must perform an analysis including use of the present value of money if the estimated amount of their proposed acquisition is more than \$1,000,000 or an analysis that demonstrates that the benefits of the acquisition will outweigh the costs if the acquisition is less than \$1,000,000. This change will help to streamline the acquisition process by reducing documentation requirements for a greater number of smaller acquisitions.

Additionally, paragraph 201–20.203–2(c) is being revised to delete the title of OMB Circular A–94 and to move it to the new section 201–4.003.

(u) Section 201–20.303 paragraph (d)(2) is revised to permit agency heads to grant exceptions to FED–STDS provided GSA is notified at least 30 days prior to any granting of an exception to a FED–STD, e.g., in a solicitation. This change empowers agencies to accomplish their missions more effectively.

(v) Section 201–20.304 paragraphs (a) and b(1) deal with capability and performance validation. They are revised to require use of validation techniques that are more economical to Government and industry than use of a benchmark or an operational capability demonstration (OCD). In the early years of computing, comprehensive benchmarks, stress tests, and OCDs were useful for validating reliability, performance and other requirements. In today's mature industry, the reliability and stability of the marketplace offerings are much higher. Also, there is substantial empirical data available from independent sources to assist agencies in assessing how a proposed system will perform in their environment and with their workloads. As a result, the use of benchmarks or OCDs may not be the most advantageous approach in many acquisitions. This is more likely to be the case for those acquisitions that do not require

customized hardware and/or software. Agencies will now be required to select the most economical technique available that will meet their minimum needs. Additionally, paragraph 201–20.304(b)(2) is revised to delete the adjective “actual” in front of the word “requirements”. The word “actual” caused some confusion about the meaning of “When a benchmark is used as part of performance validation, agencies shall ensure, that the FIP software selected for benchmarks is representative of actual requirements . . . .” In fact, agencies acquire systems to accommodate a workload over a life cycle of some years. An agency's definition of its requirements at the time of acquisition is its best estimate of workload that will ultimately occur over the ensuing years.

(w) Section 201–20.305 is being amended to recognize the fact that GSA will, at the request of an agency, grant authority to the agency to ratify a contract awarded without the necessary specific acquisition DPA. The amendment also clarifies that procurement actions taken prior to contract award do not necessarily have to be repeated. It should be noted that the agency designated officials already have the authority to permit ratification of contracts valued at less than the agencies' regulatory or specific agency delegation thresholds.

(x) Section 201–20.305–3 is revised to emphasize the agency requirement for the submission of post delegation information to GSA for specific delegations. With the increased emphasis on results oriented performance, GSA will seek information demonstrating that agencies are obtaining the benefits cited in their agency procurement requests. Also, this section's reference to a specific acquisition DPA under the Trail Boss program is being deleted. Although the Trail Boss approach is being retained and its use encouraged, special DPAs will no longer be required.

(y) Section 201–21.201 paragraph (b) is revised to reflect the current name and symbol of a GSA organization.

(z) Section 201–21.301 paragraphs (a) and (d) are revised to delete references to OMB Circular A–130, Appendix III.

(aa) Section 201–21.401 paragraph (c) is revised to remove references to OMB Circular A–130, Appendix II, which is proposed for revision; and to remove the title of the Circular since it appears in the new section 201–4.003.

(bb) Section 201–21.403 is amended to change the annual report date from November 30 to October 20 for reporting the dollar amount charged to users for the sharing of excess FIP resources. This

earlier due date allows for more timely submission of GSA's consolidated Governmentwide report to Congress.

(cc) Section 201–21.601(c)(3) is amended to change the reference from 5 CFR 735.205 to 5 CFR 2635.704, to reflect a change in the regulations covering the use of telephone calls placed over Government provided telephone systems.

(dd) Section 201–21.603 is amended to delete the agency reporting requirement. Agencies that listen-in or record conversations for public safety, public service monitoring or to assist individuals with disabilities must notify GSA in writing at least 30 days before the operational date. This notification provision is being removed because it places an unnecessary burden on agencies. GSA does not have any affirmative enforcement or other function with regard to listening-in that would make this reporting requirement necessary. Such responsibilities rest solely with the reporting agency. Accordingly, in line with placing authority and responsibility at the appropriate level, this reporting requirement will be removed as will the provision that GSA will periodically review agency listening-in activities.

(ee) Section 201–21.604, requires agencies to forward to GSA copies of each order for toll free telephone service. Documentation submitted is to include estimates of monthly costs and usage, and cite the relevant statute, Executive Order, or other regulation directing the toll free service. This provision is being removed because the use of toll-free telephone services is sufficiently routine that close supervision by GSA is no longer needed. Removal of this provision reduces costly and burdensome over-regulation and places authority and responsibility with the agency.

(ff) Section 201–22.303 is revised to expand the scope of the subpart. Currently, this provision requires agencies to review the use of equipment that is already outdated and to determine if continued use is economical. This provision is revised also to expand the scope of the review to include equipment that may be obsolescent. This change is made to encourage agencies to ensure that their FIP equipment always remains economical and efficient. Guidelines are provided to assist agencies in identifying obsolescent equipment. Agencies are encouraged to replace their obsolescent equipment if the cost of continued use exceeds the cost of acquiring and operating newer technology.

(gg) Section 201-39.1001-1 is amended by removing the words "OMB Bulletin 88-16" in paragraph (i) and adding in their place "OMB Bulletin 90-08".

(hh) Sections 201-39.1402-2 paragraph (c) and 201-39.1501-2 paragraph (c) are revised to increase the thresholds below which certain factors need not be considered in determining the lowest bid or total proposed cost, respectively. In determining the lowest bid in a sealed bidding acquisition, § 201-39.1402-1 requires agencies to factor in costs pertaining to life cycle support and conversion. In determining the total cost of a proposal in a negotiated acquisition, § 201-39.1501-1 requires agencies to factor in costs pertaining to life cycle support and conversion. These thresholds are increased from \$300,000 to \$1,000,000 in order to give agencies greater discretion in managing their acquisitions. For the same reason, the "per item" thresholds are increased from \$25,000 to \$100,000.

(ii) Subpart 201-39.46 is amended to delete provisions that are more adequately addressed in FAR Subpart 46. This subpart addresses quality assurance and provides guidance limiting contractor liability in contracts for FIP resources. Unless circumstances warrant otherwise, contracting officers are instructed to insert a limitation of liability clause found at § 201-39.5206. FAR Subpart 46 also provides guidance on limitation of contractor liability. The FAR's guidance is more comprehensive and flexible than is the FIRMR's. The FAR provides multiple contractual clauses from which a contracting officer must choose. One clause applies to contracts for the delivery of non-high value end items, a second to the delivery of high-value end items, and a third to the provision of services. Contracting officers are instructed to combine relevant parts of each clause for contracts involving more than one of these categories. Accordingly, the FIRMR provision and clause found at section 201-39.5202-6 are removed so that the corresponding FAR provision will apply.

(2) This rule was submitted to, and reviewed by, the Office of Management and Budget in accordance with Executive Order 12866, Regulatory Planning and Review. This rule will not have a significant economic impact upon a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, et seq.). GSA has determined that this rule is not a significant rule for the purposes of Executive Order 12866 of October 4, 1993, because it is not likely to result in

any of the impacts noted in Executive Order 12866, affect the rights of specified individuals, or raise issues arising from the policies of the Administration. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs; has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Parts 201-1, 201-2, 201-3, 201-4, 201-6, 201-7, 201-17, 201-18, 201-20, 201-21, 201-22, 201-24, and 201-39

Archives and records, Computer technology, Telecommunications, Government procurement, Property management, Records management, and Federal information processing resources activities.

Accordingly 41 CFR parts 201-1, 201-2, 201-3, 201-4, 201-6, 201-7, 201-17, 201-18, 201-20, 201-21, 201-22, 201-24, and 201-39 are amended as follows:

#### **PART 201-1—APPLICABILITY AND AUTHORITY**

1. The authority citation for part 201-1 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

#### **§ 201-1.003 [Amended]**

2. Section 201-1.003 is amended by removing the word "system" in paragraph (a) and removing paragraph (d).

#### **PART 201-2—DESIGNATED SENIOR OFFICIALS**

3. The authority citation for part 201-2 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

4. Section 201-2.001 is revised to read as follows:

#### **§ 201-2.001 General.**

The PRA requires that the head of each executive agency designate a senior official who shall report directly to the agency head. The designated official is responsible for carrying out the IRM function assigned to the agency by the PRA.

#### **§ 201-2.002 [Amended]**

5. Section 201-2.002 is amended by redesignating paragraphs (a), (b), and (c) as paragraphs (c), (a), and (b) respectively.

#### **§ 201-2.003 [Amended]**

6. Section 201-2.003 is amended by removing the words "18th and F Streets, NW.," in paragraph (a).

#### **PART 201-3—THE FIRMR**

7. Part 201-3 is amended by revising the heading to read as set forth above.

8. The authority citation for part 201-3 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

9. Section 201-3.000 is revised to read as follows:

#### **§ 201-3.000 Scope of part.**

This part describes the Federal Information Resources Management Regulation.

10. Section 201-3.001 is revised to read as follows:

#### **§ 201-3.001 General.**

(a) The Federal Information Resources Management Regulation (FIRMR) is codified in the Code of Federal Regulations (CFR) and includes interim rules which have the same effect as final rules.

(b) From time to time, the General Services Administration (GSA) will issue nonregulatory publications to provide guidance and information:

(1) FIRMR bulletins contain guidance and information on various information resources management areas. FIRMR bulletins do not constitute binding authority, but should be used as an aid in understanding GSA programs and the FIRMR. FIRMR bulletins are published in Appendix B of the looseleaf edition of the FIRMR and are available along with the FIRMR from GPO by subscription or on GSA's CD-ROM.

(2) Handbooks and reports address specific program or technical areas where the audience generally will be defined by the subject matter.

(3) Appendix C of the looseleaf edition of the FIRMR contains a listing of current bulletins, handbooks, and reports and information on how to obtain them.

#### **§ 201-3.101 [Amended]**

11. Section 201-3.101, is amended by removing the word "system".

12. Section 201-3.201 is amended by revising paragraph (d) to read as follows:

#### **§ 201-3.201 Issuance.**

\* \* \* \* \*

(d) The FIRMR is issued as chapter 201 of title 41, CFR.

13. Section 201-3.203 is amended by revising paragraph (c) to read as follows:

#### **§ 201-3.203 Maintenance.**

\* \* \* \* \*

(c) The Administrator of General Services may issue an interim rule to the FIRMR when solicitation of comments is impractical due to urgent and compelling circumstances (e.g., when a new statute must be implemented in a relatively short period of time). However, the interim rule will make provision for a public comment period of at least 30 days for consideration in the formulation of the final change to the FIRMR.

#### § 201-3.204 [Amended]

14. Section 201-3.204 is amended by removing the phone number "275-2091" in paragraph (a) and adding in its place "512-0132".

#### Subpart 201-3.3—[Removed and Reserved]

15. Subpart 201-3.3 is removed and reserved.

#### PART 201-4—DEFINITIONS, ACRONYMS AND OMB CIRCULARS

16. The heading for part 201-4 is revised as set forth above.

17. The authority citation for Part 201-4 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

18. Section 201-4.000 is revised to read as follows:

#### § 201-4.000 Scope of part.

This part defines words, terms, acronyms, and OMB Circulars used in the FIRMR.

#### § 201-4.001 [Amended]

19. Section 201-4.001 is amended in the definition *Information resources management* by adding "(IRM)" preceding the word "means".

20. Section 201-4.001 is amended by removing the word "eight" in the definition *Outdated FIP equipment* and adding in its place "six".

21. Section 201-4.001 is amended by adding a new definition in alphabetical order to read as follows:

#### § 201-4.001 Definitions.

*Records management* means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations (44 U.S.C. 2901(2)).

22. Section 201-4.001 is amended by removing the undesignated center heading "Software", adding a definition for *Software* in its place, designating entries *Application software* and *Common-use software* as paragraphs (a) and (b) under the definition for *Software*, to read as follows:

\* \* \* \* \*

Software includes—

(a) *Application software* \* \* \*

(b) *Common-use software* \* \* \*

\* \* \* \* \*

23. Section 201-4.002 is amended by adding in alphabetical order new acronyms and by placing the acronyms "GSA" and "GPO" in alphabetical order to read as follows:

#### § 201-4.002 Acronyms.

\* \* \* \* \*

CBD means Commerce Business Daily.

\* \* \* \* \*

FED-STD means Federal Telecommunications Standards.

\* \* \* \* \*

FSTS means Federal Secure Telephone Service.

\* \* \* \* \*

GAO means General Accounting Office.

\* \* \* \* \*

GSBCA means General Services Board of Contract Appeals.

\* \* \* \* \*

IRPMR means Information Resources Procurement and Management Review.

\* \* \* \* \*

MOL means Maximum Ordering Limitation.

\* \* \* \* \*

OAC means Original Acquisition Cost.

\* \* \* \* \*

POTS means Purchase of Telephones and Services.

\* \* \* \* \*

24. Section 201-4.003 is added to read as follows:

#### § 201-4.003 Applicable OMB Circulars.

The following applicable OMB Circulars may be obtained from the OMB Publications office by calling (202) 395-7332:

A-11 Preparation and submission of budget estimates.

A-94 Benefit-cost analysis of Federal programs; guidelines and discounts.

A-109 Major system acquisition.

A-127 Financial management systems.

A-130 Management of Federal information resources.

#### PART 201-6—PREDOMINANT CONSIDERATIONS

25. The authority citation for part 201-6 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

26. Section 201-6.001 is amended by revising paragraphs (a)(3) and (a)(5) and adding paragraph (a)(6) to read as follows:

#### § 201-6.001 General.

(a) \* \* \*

(3) Maximize the usefulness of information collected, maintained, and disseminated by the Federal Government;

\* \* \* \* \*

(5) Ensure that FIP resources are acquired and used by the Federal Government in a manner which improves service delivery and program management, increases productivity, improves the quality of decisionmaking, reduces waste and fraud, and reduces the information collection burden on the public; and

(6) Ensure that the collection, maintenance, use, and dissemination of information by the Federal Government is consistent with applicable laws, regulations, and executive orders.

\* \* \* \* \*

27. Section 201-6.002 is amended by redesignating paragraphs (g) through (m) as paragraphs (h) through (n), respectively, and adding a new paragraph (g) to read as follows:

#### § 201-6.002 Predominant considerations.

\* \* \* \* \*

(g) Ensure that individuals with disabilities can produce information and data, and have access to information and data, comparable to the information and data, and access, respectively, of other individuals;

\* \* \* \* \*

#### PART 201-7—PLANNING

28. The authority citation for part 201-7 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

29. Section 201-7.001 is amended by revising the first sentence of paragraph (b) to read as follows:

#### § 201-7.001 General.

\* \* \* \* \*

(b) The Paperwork Reduction Act (44 U.S.C. Chapter 35) OMB Circular No. A-11, and No. A-130, and the Computer Security Act of 1987 (Public Law 100-235, 101 Stat. 1724 (40 U.S.C. 759 note)) require agencies to conduct various information resources management (IRM) planning activities. \* \* \*

\* \* \* \* \*

30. Section 201-7.002 is amended by revising paragraph (c) to read as follows:

**§ 201-7.002 Policies.**

\* \* \* \* \*

(c) Ensure that the agency's information needs are documented on a timely basis, for example when conducting a requirements analysis for FIP resources.

**PART 201-17—PREDOMINANT CONSIDERATIONS**

31. The authority citation for part 201-17 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

32. Section 201-17.001 is amended by revising paragraph (j) to read as follows:

**§ 201-17.001 Predominant considerations.**

\* \* \* \* \*

(j) Provide individuals with disabilities (employees and others who create and/or use the agency's information and data) the ability to produce information and data, and have access to information and data, comparable to the information and data produced and accessed by other individuals;

\* \* \* \* \*

**PART 201-18—PLANNING AND BUDGETING**

33. The authority citation for part 201-18 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

34. Section 201-18.001 is amended by revising paragraph (e) to read as follows:

**§ 201-18.001 General.**

\* \* \* \* \*

(e) Section 508 of the Rehabilitation Act Amendment of 1992 (Pub L. 102-569, 29 U.S.C. 794d) requires the Federal Government to adopt guidelines for information and data accessibility designed to ensure that individuals with disabilities can produce information and data, and have access to information and data, comparable to information and data, and access, respectively, of other individuals. This Act requires that agencies comply with such guidelines. FIRMR Bulletin C-8, provides guidance on planning for FIP resources to accommodate the needs of individuals with disabilities.

\* \* \* \* \*

35. Section 201-18.002 is amended by revising paragraph (c) to read as follows:

**§ 201-18.002 Policies.**

\* \* \* \* \*

(c) Agencies shall adopt information and data accessibility guidelines similar

to those described in FIRMR Bulletin C-8 in their planning process.

\* \* \* \* \*

**PART 201-20—ACQUISITION**

36. The authority citation for part 201-20 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

**§ 201-20.001 [Amended]**

37. Section 201-20.001 is amended by removing paragraph (d).

38. Section 201-20.102 is revised to read as follows:

**§ 201-20.102 Policy.**

Agencies shall establish and document requirements for FIP resources by conducting a requirements analysis, or similar study, commensurate with the size and complexity of the need except for those acquisitions when the total dollar value of the FIP resources, including all optional quantities and periods over the life of the contract, does not exceed \$500,000. A requirements analysis shall not be performed when the value of the FIP resources does not exceed the \$500,000 threshold. An agency may follow its own internal procedure for documenting requirements valued at less than \$500,000. Agencies shall justify all requirements for other than full and open competition in accordance with FAR Part 6 whether or not a requirements analysis is performed.

39. Section 201-20.103 is revised to read as follows:

**§ 201-20.103 Procedures.**

Agencies shall consider the factors in §§ 201-20.103-1 through 201-20.103-11 in establishing requirements, as applicable.

40. Section 201-20.103-7 is amended by revising paragraph (a) to read as follows:

**§ 201-20.103-7 Accessibility requirements for individuals with disabilities.**

(a) Agencies shall acquire FIP resources that allow individuals with disabilities to produce information and data, and have access to information and data, comparable to the information and data, and access, respectively, of other individuals. Agency plans shall address both present and future needs.

\* \* \* \* \*

41. Section 201-20.202 is revised to read as follows:

**§ 201-20.202 Policy.**

Using the results of the requirements analysis as the basis, agencies shall conduct an analysis of alternatives commensurate with the size and complexity of the requirement to

identify the most advantageous alternative to the Government. The number of alternatives analyzed should be limited to those considered the most feasible to be implemented. Agencies shall not conduct analyses of alternatives for those acquisitions where the total dollar value of the FIP resources, including all optional quantities and periods over the life of the contract, does not exceed \$500,000. Agencies shall instead follow their own internal procedures to identify the most advantageous alternative.

42. Section 201-20.203-2 is revised to read as follows:

**§ 201-20.203-2 Cost for each alternative.**

(a) In the analysis of alternatives, agencies shall calculate the total estimated cost, using the present value of money, for each of the most feasible alternatives unless the anticipated cost of the acquisition is \$1,000,000 or less. The total estimated cost for each alternative shall include system life cost for that alternative and any other costs that can be identified with the alternative incurred either before or after the system life period.

(b) When the anticipated cost of the acquisition is \$1,000,000 or less, the analysis may be limited to demonstrating that the benefits of the acquisition will outweigh the costs.

(c) Agencies shall follow guidance in OMB Circular No. A-94, when calculating the cost of each alternative.

43. Section 201-20.303 is amended by revising paragraph (d)(2) to read as follows:

**§ 201-20.303 Standards.**

\* \* \* \* \*

(d) \* \* \*

(2) *Exceptions.* An agency head may grant an exception to the mandatory use of a FED-STD upon receipt of adequate documentation. If an agency head grants an exception to the use of an individual FED-STD, a deviation from the FIRMR is not required. However, GSA must be notified at least 30 days prior to issuing a solicitation for which an exception has been granted. Notification shall be sent to: General Services Administration, Office of Technology Policy and Leadership (KAR), 18th & F Streets, NW., Washington, DC 20405.

44. Section 201-20.304 is amended by removing paragraph (b)(1), redesignating paragraph (b)(2) as paragraph (b)(1), revising paragraph (a) and adding new paragraph (b)(2) to read as follows:

**§ 201-20.304 Capability and performance validation.**

(a) *Policy.* When acquiring FIP resources, an agency shall use the most



economical technique available to provide reasonable assurance that capability and performance requirements are met.

(b) \* \* \*

(2) When a benchmark is used as part of performance validation, agencies shall ensure that the FIP software selected for the benchmark is representative of the requirements and requires the minimum amount of reprogramming or conversion.

45. Section 201–20.305 is amended by adding paragraph (b)(5) to read as follows:

**§ 201–20.305 Delegation of GSA's exclusive procurement authority.**

\* \* \* \* \*

(b) \* \* \*

(5) If an agency awards a contract that requires a DPA from GSA but a DPA has not been obtained from GSA, the agency may request authority from GSA's Office of Technology Policy and Leadership (KAA) to ratify the contract in accordance with FAR 1.602–3 (48 CFR 1.602–3). Procurement actions taken by the agency prior to receiving the authority do not need to be repeated.

46. Section 201–20.305–3 is revised to read as follows:

**§ 201–20.305–3 Specific acquisition delegations.**

(a) Agencies shall submit an agency procurement request (APR) to GSA and receive a specific acquisition DPA if the acquisition is not covered by a regulatory or specific agency DPA. Procedures for requesting a DPA for a specific acquisition are provided in FIRMIR Bulletin C–5.

(b) GSA may require agencies to submit post delegation information such as contract award, milestone schedules, contract costs, program performance measures, and technology costs.

**PART 201–21—OPERATIONS**

47. The authority citation for part 201–21 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

**§ 201–21.201 [Amended]**

48. Section 201–21.201 is amended by removing the words “Federal Equipment Data Center (WKHE)” in paragraph (b) and adding in their place “Federal Data Systems Division (WKH)”.

**§ 201–21.301 [Amended]**

49. Section 201–21.301 is amended by removing the words “Appendix III to” in paragraph (a).

**§ 201–21.303 [Amended]**

50. Section 201–21.303 is amended by removing the words “Appendix III” in paragraph (d).

51. Section 201–21.401 is amended by revising paragraph (c) to read as follows:

**§ 201–21.401 General.**

\* \* \* \* \*

(c) OMB Circular No. A–130, establishes Governmentwide procedures for cost accounting and recovery for shared resources.

**§ 201–21.403 [Amended]**

52. Section 201–21.403 is amended by removing the date “November 30” in paragraph (a)(2)(ii) and adding in its place “October 20”.

**§ 201–21.601 [Amended]**

53. Section 201–21.601 is amended by removing the CFR cite “5 CFR 735.205” in paragraph (c)(3) introductory text and adding in its place “5 CFR 2635.704”.

54. Section 201–21.603 is amended by revising paragraphs (d)(1) and (d)(2), removing paragraph (d)(3), redesignating paragraphs (d)(4) and (d)(5) as paragraphs (d)(3) and (d)(4), respectively, and removing paragraph (d)(6), to read as follows:

**§ 201–21.603 Listening-in to or recording telephone conversations.**

\* \* \* \* \*

(d) *Procedures.* (1) Agencies that plan to listen-in to or record telephone conversations under paragraph (c)(2), (3), or (4) of this section shall prepare a determination of need. A determination as used in this section means a written justification signed by the agency head or the agency head's designee, that specifies the operational need for listening-in to or recording telephone conversations; indicates the specific system and location where monitoring is to be performed; lists the number of telephones or recorders involved; and establishes operating times and an expiration date for the monitoring.

(2) Agencies shall review, at least every 2 years, the need for each determination authorizing listening-in or recording. Agency documentation to continue or terminate the program shall be maintained in agency files.

\* \* \* \* \*

**§ 201–21.604 [Removed]**

55. Section 201–21.604 is removed.

**PART 201–22—REVIEW AND EVALUATION**

56. The authority citation for part 201–22 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

57. Section 201–22.303 is revised to read as follows:

**§ 201–22.303 Procedures.**

(a) Agencies shall evaluate their existing outdated and/or obsolescent FIP resources to determine whether the cost of operating them is greater than the cost of acquiring and operating technologically newer resources. FIRMIR Bulletin C–27 provides guidance that can be used for identifying obsolescent equipment.

(b) When the cost of operating existing outdated and/or obsolescent FIP resources is greater than the cost of acquiring and operating technologically newer resources, agencies shall replace the existing less cost effective resources.

**PART 201–24—GSA SERVICES AND ASSISTANCE**

58. The authority citation for part 201–24 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

**§ 201–24.001 [Amended]**

59. Section 201–24.001 is amended by removing paragraph (g).

**PART 201–39—ACQUISITION OF FEDERAL INFORMATION PROCESSING (FIP) RESOURCES BY CONTRACTING**

60. The authority citation for part 201–39 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

61. The heading of subpart 201–39.1 is amended by removing the word “System”.

62. Section 201–39.001 is revised to read as follows:

**§ 201–39.001 General.**

(a) In addition to this part 201–39, contracting officers should review and be familiar with the policies and procedures contained in the complete FIRMIR, for example, parts 201–20 and 201–24 of this chapter.

(b) To assist Federal agencies in preparing solicitations for FIP resources, the General Services Administration (GSA) prepares standard solicitations and other guidance. Federal agencies can obtain copies of the standard solicitations by contacting: U.S. Government Printing Office, Attn: Electronic Products, P.O. Box 37082, Washington, DC 20013–7082, Telephone number: (202) 512–1530, Facsimile number: (202) 512–1262. For information on obtaining acquisition guides contact the Federal IT Reference Center at (202) 501–4860.



**§ 201–39.201 [Amended]**

63. Section 201–39.201 is amended by removing the word “eight” in the definition *Outdated FIP equipment*, and adding in its place the word “six”.

**§ 201–39.1001–1 [Amended]**

64. Section 201–39.1001–1 is amended by removing the numbers “88–16” in paragraph (i), and adding in their place “90–08”.

**§ 201–39.1402–2 [Amended]**

65. Section 201–39.1402–2 is amended by removing the number “\$25,000” in paragraph (b) and adding in its place “\$100,000”, and also by removing the number “\$300,000” in paragraph (c) and adding in its place “\$1,000,000”.

**§ 201–39.1501–2 [Amended]**

66. Section 201–39.1501–2 is amended by removing the number “\$25,000” in paragraph (b) and adding in its place “\$100,000”, and also by removing the number “\$300,000” in paragraph (c) and adding in its place “\$1,000,000”.

**Subpart 201–39.46—[Removed and Reserved]**

67. Subpart 201–39.46 is removed and reserved.

**§ 201–39.5202–6 [Removed and Reserved]**

68. Section 201–39.5202–6 is removed and reserved.

Dated: October 27, 1995.

Roger W. Johnson,

*Administrator of General Services.*

[FR Doc. 95–31544 Filed 12–29–95; 8:45 am]

BILLING CODE 6820–25–P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Parts 222 and 227**

[I.D. 101995A]

**Endangered and Threatened Wildlife; Status Reviews of Listed Sea Turtles**

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

**ACTION:** Notice of availability.

**SUMMARY:** NMFS and the Fish and Wildlife Service (FWS), Department of the Interior (collectively, the Services), announce the availability of the status reviews of endangered and threatened sea turtles, as required by the Endangered Species Act of 1973 (ESA).

Based upon these reviews and any written comments received, the Services may consider changes in the listing status for the olive ridley (*Lepidochelys olivacea*) sea turtle. The status review for the green (*Chelonia mydas*) sea turtle is currently under Service evaluation and is not available with this notice. Upon completion of their evaluation, the Services will make the green sea turtle status review available under separate notice in the Federal Register.

**DATES:** February 1, 1996.

**ADDRESSES:** Requests for copies of the status reviews may be submitted to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Phil Williams, 301–713–1401, or Richard Byles, 505–248–6647.

**SUPPLEMENTARY INFORMATION:****Background**

The ESA is administered jointly by the Services. NMFS has jurisdiction over species in the marine system while FWS has jurisdiction elsewhere. Listed endangered and threatened species under NMFS jurisdiction are enumerated in 50 CFR 222.23(a) and 50 CFR 227.4, respectively. The List of Endangered and Threatened Wildlife (List) which contains species under the jurisdiction of both Services, is found in 50 CFR part 17.

Pursuant to a Memorandum of Agreement between the two Services, the jurisdiction over listed sea turtles is shared: FWS has responsibility for sea turtles primarily in the terrestrial environment, while NMFS has responsibility for sea turtles primarily in the marine environment. Presently, all sea turtle species found in the United States are listed as follows: Kemp's ridley (*Lepidochelys kempi*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered; loggerhead (*Caretta caretta*), green (*Chelonia mydas*), and olive ridley (*Lepidochelys olivacea*) turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, and breeding populations of olive ridleys on the Pacific coast of Mexico, which are listed as endangered.

Section 4(c)(2) of the ESA requires that, at least once every 5 years, a review of the species on the List be conducted to determine whether any species should be (1) removed from the List, (2) changed in status from an endangered species to a threatened species, or (3) changed in status from a

threatened species to an endangered species. Criteria for determining a reclassification are found at 50 CFR 424.11(c).

The status reviews of sea turtles listed under the ESA are available (see **ADDRESSES**). Based upon the status reviews, the Services are considering the following listing change.

*Olive Ridley Turtles.* The western North Atlantic population would be classified as endangered, rather than threatened. This reclassification was first considered in a notice published on November 9, 1984 (49 FR 44775), at which time the western North Atlantic (Surinam and adjacent areas) nesting population was reported to have declined 80 percent since 1967. This rate of decline continues despite over 2 decades of protection by personnel from the Surinam Nature Protection Foundation. This area is heavily trawled for shrimp, and trawlers have been the principal source of returned tags that had been applied to nesting females on the local beaches. Consequently, incidental capture in trawls is a likely cause of the progressive depletion of this population. Pursuant to Public Law 101–162, the importation of shrimp and shrimp products from Surinam and French Guiana was banned in 1993 because those countries failed to demonstrate that they had adopted a regulatory program that governed the incidental taking of sea turtles comparable to that of the United States. During an annual review in May 1995, shrimp imports were again embargoed from both countries due to their lack of turtle excluder device use. The incidental capture of turtles in trawls is a major concern in this area.

Dated: December 22, 1995.

Ann D. Terbush,

*Acting Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 95–31540 Filed 12–29–95; 8:45 am]

BILLING CODE 3510–22–M

**50 CFR Part 641**

[Docket No. 951221305–5305–01; I.D. 112995A]

**Reef Fish Fishery of the Gulf of Mexico; 1996 Red Snapper Season**

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

**ACTION:** Emergency interim rule.

**SUMMARY:** NMFS issues this emergency interim rule at the request of the Gulf of Mexico Fishery Management Council