

1991 and the 1989 amendment are set forth below.

A. Cattalini,

Acting Chief, Office of Navigation Safety and Waterway Services.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

Considering That:

The Amendment to the Regulations of the Convention on the International Regulations for Preventing Collisions at Sea, 1972, was adopted in accordance with paragraph 3 of article VI of the Convention by the Assembly of the International Maritime Organization at London on October 19, 1989, a certified copy of which Amendment in the English and French languages, is hereto annexed (1/);

The President of the United States of America transmitted the Amendment to the Congress of the United States of America on April 2, 1990, consistent with section 3(d) of the International Navigational Rules Act of 1977 (91 Stat. 308; 33 USC 1602);

The United States of America did not notify the International Maritime Organization of an objection to the Amendment;

In the absence of an objection, the Amendment will enter into force for the United States of America on April 19, 1991, in accordance with article VI of the Convention and Resolution A.678(16) of the Assembly, adopted on October 19, 1989;

Now, therefore, I, George Bush, President of the United States of America, by authority vested in me by the Constitution and the laws of the United States of America, including the International Navigational Rules Act of 1977, proclaim and make public the Amendment, to the end that it shall be observed and fulfilled with good faith on and after April 19, 1991, by the United States of America and all other persons subject to the jurisdiction thereof.

In testimony whereof, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this nineteenth day of March in the year of our Lord one thousand nine hundred ninety-one and of the Independence of the United States of America the two hundred fifteenth.

By the President:

George Bush.

James A. Baker III,

Secretary of State.

Resolution A.678(16) adopted on 19 October 1989 Amendment to the International Regulations for Preventing Collisions at Sea, 1972

The Assembly, recalling article VI of the Convention on the International Regulations for Preventing Collisions at Sea, 1972, on amendments to the Regulations,

Having Considered the amendment to the International Regulations for Preventing

Collisions at Sea, 1972, adopted by the Maritime Safety Committee at its fifty-seventh session and communicated to all Contracting Parties in accordance with paragraph 2 of article VI of that Convention and also the recommendations of the Maritime Safety Committee concerning entry into force of this amendment.

1. *Adopts*, in accordance with paragraph 3 of article VI of the Convention, the amendment set out in the Annex to the present resolution;

2. *Decides*, in accordance with paragraph 4 of article VI of the Convention, that the amendment shall enter into force on 19 April 1991 unless by 19 April 1990 more than one third of the Contracting Parties have notified their objection to the amendment;

3. *Requests* the Secretary-General, in conformity with paragraph 3 of article VI, to communicate this resolution to all Contracting Parties to the Convention for acceptance, together with copies to all Members of the Organization;

4. *Invites* Contracting Parties to submit any objections to the amendment not later than 19 April 1990, whereafter the amendment will be deemed to have entered into force as determined in the present resolution.

Annex—Amendment to the International Regulations for Preventing Collisions at Sea, 1972

Rule 10—Traffic separation schemes

The existing text of paragraph (d) is replaced by the following:

"(d)(i) A vessel shall not use an inshore traffic zone when she can safely use the appropriate traffic lane within the adjacent traffic separation scheme. However, vessels of less than 20 metres in length, sailing vessels and vessels engaged in fishing may use the inshore traffic zone.

(ii) Notwithstanding subparagraph (d)(i), a vessel may use an inshore traffic zone when en route to or from a port, offshore installation or structure, pilot station or any other place situated within the inshore traffic zone, or to avoid immediate danger."

As set forth in the preamble, chapter I of title 33 of the Code of Federal Regulations is amended as follows:

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

Authority: 33 U.S.C. 1607; E.O. No. 11964; 49 CFR 1.46.

2. Appendix A to part 81 is amended by revising the note following the appendix heading as set forth below; and by amending the International Regulations for Preventing Collisions at Sea, 1972, as set forth above in the 1989 Amendment.

PART 81—[AMENDED]

Appendix A to Part 81—72 COLREGS

Note: Below is the text of the 72 COLREGS, as published with the Proclamation of January 19, 1977, at 42 FR 17112, March 31, 1977, and subsequently amended with the Proclamation of June 16, 1983, published at 48 FR 28634, June 23, 1983; the Proclamation of

June 29, 1989, published at 54 FR 38851, September 21, 1989; and the Proclamation of March 19, 1991, published at 57 FR [insert page number and date of publication in Federal Register].

[FR Doc. 92-15436 Filed 6-30-92; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Department of the Army Corp of Engineers

36 CFR Part 327

Shoreline Use Permit Conditions; Dock and Mooring Floatation Standards

AGENCY: Army Corps of Engineers, DOD.

ACTION: Final rule: Correction to 36 CFR part 327.

SUMMARY: This document amends Condition 14 of appendix C to part 327.30, Shoreline Management Regulation, by correcting density standards for floatation requiring an approved protective coating. This action is necessary because the existing standard is incorrect. This change will set floatation density standards. This correction also changes two typographical errors in the May 26, 1992 Federal Register, FR 21894.

EFFECTIVE DATE: July 1, 1992.

ADDRESSES: Office of the Chief of Engineers, ATTN: CECW-ON, 20 Massachusetts Avenue NW., Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Darrell Lewis (202) 272-0247.

SUPPLEMENTARY INFORMATION: There is an error in Condition 14 of appendix C to § 327.30. Foam bead floatation which must have a protective coating has an incorrect density standard. This change is based on the results of a study of floatation materials conducted by the Corps' Waterway Experiment Station. The typographical errors are found under ACTION: 32 CFR should read 36 CFR and within Condition 14, where ASIM should read ASTM.

List of Subjects in 36 CFR Part 327

Public lands, Water resources, Natural resources, Resource management, Penalties, Recreation and recreation areas.

For the reasons set forth in the preamble, 36 CFR part 327 is amended as follows:

(1/ Editorial Note: The French language copy of the amendments is part of the original proclamation which the Department of State will transfer to the National Archives and Records Administration as part of the U.S. Treaty series.

PART 327—[AMENDED]

1. The authority citation for part 327 continues to read as follows:

Authority: The Rivers and Harbors Act of 1894, as amended and supplemented (33 U.S.C., 1).

2. In appendix C to § 327.30, paragraph 14, is revised to read as follows:

Appendix C to § 327.30—Shoreline Use Permit Conditions

14. On all new docks and boat mooring buoys, floatation shall be of materials which will not become waterlogged (not over 1½ percent by volume ASTM), is resistant to damage by animals, and will not sink or contaminate the water if punctured. No metal covered or injected drum floatation will be allowed. Foam bead floatation that is not subject to deterioration through loss of beads, meets the above criteria, and has a minimum density of 1.2 lb/cu ft. is authorized. Foam bead floatation with a density of 1.0 lb/cu ft. but does not otherwise meet the above criteria is authorized provided it is encased in an approved protective coating which enables it to meet the specifications above. An approved coating is defined as warranted by the manufacturer for a period of a least eight years against cracking, peeling, sloughing and deterioration from ultra violet rays, while retaining its resiliency against ice and bumps by watercraft. Existing floatation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it should be replaced with approved floatation.

Kenneth L. Denton,
Army Federal Register Liaison Officer.
[FR Doc. 92-15482 Filed 6-30-92; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

(FRL 4150-5)

Hazardous Waste Management System; General; Identification and Listing of Hazardous Waste; Used Oil

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: EPA is correcting errors in the hazardous waste regulations that

appeared in the Federal Register on May 20, 1992 (57 FR 21524). In that Federal Register, EPA issued a final listing determination for used oil that is disposed and promulgated an exclusion from the definition of hazardous waste for certain used oil filters that have been drained. Today's notice corrects two typographical errors in that final rule, one in the preamble discussion and one in the regulatory language at 40 CFR 261.4(b)(15).

EFFECTIVE DATE: July 1, 1992.

FOR FURTHER INFORMATION CONTACT: RCRA/Superfund Hotline at 800 424-9346 (toll-free) or (703) 920-9810 in the Washington, DC metropolitan area. For information on specific aspects of the used oil rulemaking, contact Ms. Rajani D. Joglekar (202) 260-3516, U.S. EPA, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. Corrections

On page 21533 of the May 20, 1992 final rule, there is a typographical error in the first paragraph of the section entitled B. Effect on State Authorizations in the middle column. The reference to 40 CFR 261.4(b)(13) should read 40 CFR 261.4(b)(15).

There is also a typographical error in the amended regulatory language at 40 CFR 261.4(b)(15). The text printed in the May 20 final rule reads "Non-terne plated used oil filters that are not mixed with wastes listed in Subpart C of this part . . ." The correct citation for listed wastes in Subpart D of Part 261, not Subpart C, which contains the descriptions of hazardous waste characteristics. Today's action corrects this error.

II. Rationale for Immediate Effective Date

Today's action does not create any new regulatory requirements; rather, it corrects typographical errors in the May 20, 1992 final rule on used oil. For this reason, EPA finds that good cause exists under section 3010(b)(3) of RCRA, 42 U.S.C. 9903(b)(3), to provide an immediate effective date for these minor corrections.

III. Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement for a Regulatory Impact Analysis (RIA). Due to the nature of this regulation (i.e., correction notice), the amendment is not major; therefore, no RIA is necessary.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Dated: June 22, 1992.

Don R. Clay,
Assistant Administrator.

The following corrections are made to the regulations in FRL-530-Z-92-008; 4118-4, final rule, published in the Federal Register on May 20, 1992 (57 FR 21524).

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, 6935, 6937, 6938, and 6939.

2. On page 21533 of the May 20, 1992 final rule, there is a typographical error in the first paragraph of the section entitled B. Effect on State Authorizations in the middle column. The reference to 40 CFR 261.4(b)(13) should read 40 CFR 261.4(b)(15).

3. Section 261.4, paragraph (b)(15), is revised to read as follows:

§ 261.4 Exclusions.

(b) * * *

(15) Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D of this part if these oil filters have been gravity hot-drained using one of the following methods:

(i) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;

(ii) Hot-draining and crushing;

(iii) Dismantling and hot-draining; or

(iv) Any other equivalent hot-draining method that will remove used oil.

[FR Doc. 92-15430 Filed 6-30-92; 8:45 am]

BILLING CODE 6580-50-M

NUCLEAR REGULATORY COMMISSION

48 CFR Chapter 20

RIN 3150-AE29

Acquisition Regulation (NRCAR): Debarment

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is establishing the Nuclear Regulatory Commission Acquisition Regulation (NRCAR). The NRCAR is necessary to ensure that the regulations governing the procurement of goods and services within the NRC satisfy the particular needs of the

agency. The NRCAR is intended to implement and supplement the government-wide Federal Acquisition Regulation (FAR). This final rule contains only the agency's debarment, suspension, and ineligibility procedures. The NRCAR will be published as a final rule in the near future.

EFFECTIVE DATE: July 31, 1992.

FOR FURTHER INFORMATION CONTACT: Edward L. Halman, Director, Division of Contracts and Property Management, Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 492-4347.

SUPPLEMENTARY INFORMATION:

Background

Federal agencies traditionally have developed their own contracting procedures with limited attention to uniformity among agencies. The result was a system of procurement policies that varied from agency to agency, causing confusion within the contracting community. Consequently, the Office of Federal Procurement Policy, created in 1974, has worked with the agencies and the public to create a uniform procurement regulation known as the Federal Acquisition Regulation (FAR). The FAR was published in the Federal Register on September 19, 1983 (48 FR 42102) with an effective date of April 1, 1984. The FAR is codified as Chapter 1 of Title 48 of the Code of Federal Regulations.

Due to differing statutory authorities among Federal agencies, the FAR authorizes agencies to issue regulations to implement FAR policies and procedures internally and to include additional policies and procedures, solicitation provisions or contract clauses to satisfy the specific needs of the agency. NRC's debarment, suspension, and ineligibility procedures are being published to provide the agency, as soon as possible, with specific implementing guidance for applying appropriate sanctions upon discovery of contractor wrongdoing. The entire Nuclear Regulatory Commission Acquisition Regulation will be published as a final rule in the near future.

Administrative Procedure Act

Section 553 of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) exempts rules relating to public contracts from the prior notice and comment procedure normally required for rulemaking. However, the Office of Federal Procurement Policy (OFPP), Office of Management and Budget, has established procedures to be used by all Federal agencies in the promulgation of

procurement regulations. OFPP Policy Letter 83-2 states that an agency must provide an opportunity for public comment before adopting a procurement regulation(s) if the regulation is "significant." "Significant" is defined generally as something which has an effect beyond the internal operating procedures of the agency or has a cost or administrative impact on contractors. This regulation is issued principally to exercise delegations established by the FAR and to adopt procedures that merely supplement the debarment, suspension, and ineligibility regulations (subpart 9.406 of the FAR) and will not have additional cost or administrative impact on contractors. Therefore, NRC has determined that this rule is not significant within the meaning of OFPP Policy Letter No. 83-2.

Nonetheless, there has been an opportunity for public comment on this rule because it was part of the proposed NRCAR. The proposed NRCAR rule issued for public comment (54 FR 40420; October 2, 1989) contained the complete NRCAR regulation. At this time, we are adopting only the debarment, suspension, and ineligibility procedures from that proposed rule. Only one comment was received on this subpart. The commenter suggested that the NRCAR requirement found at 2009.405-2(a) for a certification of debarment status is inconsistent with FAR clause 52.209.5. FAR clause 52.209-5 was added to the FAR in 1989. Therefore, the NRCAR clause is no longer necessary and has been removed from the final rule.

Environmental Impact: Categorical Exclusion

The NRC had determined that this regulation is the type of action described in the categorical exclusion set forth in 10 CFR 51.22(c) (5) and (6). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1986 (44 U.S.C. 3501 *et seq.*).

Regulatory Analysis

This final rule establishes the procedures and requirements necessary to implement and supplement FAR Subpart 9.4, Debarment, Suspension, and Ineligibility. This final rule constitutes an administrative action governing certain procurement activities of the NRC. This provision will not have

an additional adverse economic impact on any contractor or potential contractor because it merely implements the debarment, suspension, and ineligibility regulation already mandated by FAR subpart 9.4.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. The final rule establishes the agency's debarment, suspension, and ineligibility procedures necessary to implement and supplement the FAR. Because the final rule established procedures applicable only in certain instances, these provisions do not have a significant economic impact on any contractor, including small entities.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule. Therefore, a backfit analysis is not required because the rule does not involve any provision which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 48 CFR Chapter 20

Government procurement, Nuclear Regulatory Commission Acquisition Regulations, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, 5 U.S.C. 552 and 553, and FAR subpart 1.3, the NRC is adding chapter 20 to title 48 of the Code of Federal Regulations.

1. Chapter 20 is added to title 48 to read as follows:

CHAPTER 20—NUCLEAR REGULATORY COMMISSION

PART 209—CONTRACTOR QUALIFICATIONS

Subpart
209.4— Debarment, Suspension, and Ineligibility

Sec.

209.403 Definitions.

209.404 Consolidated list of parties excluded from Federal procurement or non-procurement programs.

209.405 Effect of listing.

209.405-1 Continuation of current contracts.

209.405-2 Restrictions on subcontracting.

209.406 Debarment.

209.406-3 Procedures.

209.407 Suspension.

209.407-3 Procedures.

Sec.

2009.470 Appeals.

Authority: 42 U.S.C. 2201, sec. 201, 88 Stat. 1242; as amended 42 U.S.C. 5841; and 41 U.S.C. 418(b).

PART 2009—CONTRACTOR QUALIFICATIONS

Subpart 2009.4—Debarment, Suspension, and Ineligibility

§ 2009.403 Definitions.

As used in § 2009.4:

Debarring official means the Procurement Executive.

Initiating official means the contracting officer, the Head of the Contracting Activity (HCA), the Procurement Executive, or the Inspector General.

Suspending official means the Procurement Executive.

§ 2009.404 Consolidated list of parties excluded from Federal procurement or non-procurement programs.

The contracting officer responsible for the contract affected by the debarment or suspension shall perform the actions required by FAR 9.404(c) (1)–(3).

§ 2009.405 Effect of listing.

Compelling reasons are considered to be present where failure to contract with the debarred or suspended contractor would seriously harm the agency's programs and prevent accomplishment of mission requirements. The Procurement Executive is authorized to make the determinations under FAR 9.405. Requests for these determinations must be submitted through the HCA to the Procurement Executive.

§ 2009.405-1 Continuation of current contracts.

The HCA is authorized to make the determinations under FAR 9.405-1.

§ 2009.405-2 Restrictions on subcontracting.

The HCA is authorized to approve subcontracts with debarred or suspended subcontractors under FAR 9.405-2.

§ 2009.406 Debarment.

§ 2009.406-3 Procedures.

(a) Investigation and referral. When a contracting officer becomes aware of possible irregularities or any information which may be sufficient cause for debarment, the case must be referred through the HCA to the Procurement Executive immediately. The case must be accompanied by a complete statement of the facts (including a copy of any criminal

indictments, if applicable) along with a recommendation for action. Where the statement of facts indicates the irregularities to be possible criminal offenses, or for any other reason further investigation is considered necessary, the matter must first be referred to the HCA who will consult with the Office of the Inspector General to determine if further investigation is required prior to referring to the debarring official.

(b) Decision-making process. If, after reviewing the recommendations and consulting with the Office of the General Counsel and, if appropriate, the Office of the Inspector General, the debarring official determines debarment is justified, the debarring official shall initiate the proposed debarment in accordance with FAR 9.406-3(c) and notify the HCA of the action taken. If the contractor fails to submit a timely written response within 30 days after receipt of the notice, the debarring official may notify the contractor in accordance with FAR 9.406-3(d) that the contractor is debarred.

(c) Fact-finding proceedings. For actions listed under FAR 9.406-3(b)(2), the contractor shall be given the opportunity to appear at an informal hearing. The hearing should be held at a location and time that is convenient to the parties concerned, and no later than 30 days after the contractor received the notice, if at all possible. The contractor and any specifically named affiliates may be represented by counsel or any duly authorized representative. Witnesses may be called by either party. The proceedings must be conducted expeditiously and in such a manner that each party will have an opportunity to present all information considered pertinent to the proposed debarment.

§ 2009.407 Suspension.

§ 2009.407-3 Procedures.

(a) Investigation and referral. When a contracting officer becomes aware of possible irregularities or any information which may be sufficient cause for suspension, the case must be referred through the HCA to the Procurement Executive immediately. The case must be accompanied by a complete statement of the facts along with a recommendation for action. Where the statement of facts indicates the irregularities to be possible criminal offenses, or for any other reason further investigation is considered necessary, the matter must first be referred to the HCA who will consult with the Office of the Inspector General to determine if further investigation is required prior to

referring the matter to the suspending official.

(b) Decision-making process. If, after reviewing the recommendations and consulting with the Office of the General Counsel and, if appropriate, the Office of the Inspector General, the suspending official determines suspension is justified, the suspending official shall initiate the proposed suspension in accordance with FAR 9.407-3(b)(2). The contractor shall be given the opportunity to appear at an informal hearing, similar in nature to the hearing for debarments as discussed in FAR 9.406-3(b)(2). If the contractor fails to submit a timely written response within 30 days after receipt of the notice, the suspending official may notify the contractor in accordance with 9.407-3(d) that the contractor is suspended.

§ 2009.470 Appeals.

A debarred or suspended contractor may appeal the debarring/suspending official's decision by mailing or otherwise furnishing a written notice within 90 days from the date of the decision to the Executive Director for Operations. A copy of the notice of appeal must be furnished to the debarring/suspending official from whose decision the appeal is taken.

Dated at Bethesda, Maryland, this 22nd day of June, 1992.

For the Nuclear Regulatory Commission,
Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 92-15321 Filed 6-30-92; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

50 CFR Part 672

[Docket No. 911176-2018]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for pollock in statistical area 61 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the third quarterly allowance of the total allowable catch (TAC) for pollock in this area.

DATES: Effective 12 noon, Alaska local time (A.L.T.), June 30, 1992, until 12 noon, A.L.T., September 28, 1992.