

452.237-72, and the corresponding clause, since FAR 52.237-1 may be used instead of this clause.

(aq) Section 442.704 and the clause at 452.242-70 are removed, since the FAR provides identical coverage.

(ar) Section 442.1502 is added to delegate to HCA's responsibility for establishing past performance evaluation procedures and systems as required by FAR 42.1502 and 42.1503.

(at) Section 449.501 is added to delegate authority to HCA's to approve the use of special purpose termination clauses pursuant to FAR 49.501.

## II. Procedural Requirements

### A. Executive Order 12866

A work plan was prepared for this regulation and submitted to the Office of Management and Budget pursuant to Executive Order 12866. The proposed rule has been determined to be not significant for the purposes of Executive Order 12866. Therefore, the proposed rule has not been reviewed by the Office of Management and Budget.

### B. Review Under the Regulatory Flexibility Act

The proposed rule was reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601-611, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. The AGAR is issued to implement or supplement the FAR, and does not materially add to the impact of the FAR regulations it implements or supplements. USDA certifies that this proposed rule will not have a significant economic effect on a substantial number of small entities, and, therefore, no regulatory flexibility analysis has been prepared. However, comments from small entities concerning parts affected by the proposed rule will be considered. Such comments must be submitted separately and cite 5 U.S.C. 609 (AGAR Revision) in correspondence.

### C. Paperwork Reduction Act

Information collection and recordkeeping required by the AGAR have been approved by the OMB. OMB control numbers 0505-0010, 0505-0011, 0505-0013, 0505-0014, 0505-0015, and 0505-0016 apply to the AGAR. No additional information collection or recordkeeping requirements are imposed on the public by this proposed rulemaking. Accordingly no OMB clearance is required by section 350(h) of the Paperwork Reduction Act, 44 U.S.C. 3501, et. seq., or OMB's implementing regulation at 5 CFR Part 1320.

## III. Public Comments

Interested persons are invited to participate in this rulemaking by submitting views and comments with respect to the proposed AGAR revision set out in this notice. All written comments will be carefully assessed and fully considered prior to publication of the final rule.

### List of Subjects in 48 CFR Parts 401 Through 453

Government contracts, Government procurement.

For the reasons set out in this preamble, the Department proposes to amend Chapter 4 of Title 48 of the Code of Federal Regulations. Copies of the proposed rule may be obtained from the addresses set forth above.

W.R. Ashworth,  
Director, Procurement and Property  
Management.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### RIN 1018-AB75

### Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Threatened Status for Copperbelly Water Snake

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

**ACTION:** Proposed rule; notice of reopening of comment period.

**SUMMARY:** The Fish and Wildlife Service (Service) provides notice that the comment period on the proposed threatened status for the copperbelly water snake (*Nerodia erythrogaster neglecta*) is reopened. This snake occupies portions of southern Michigan, northwestern Ohio and adjacent northeastern Indiana, southern Indiana, southeastern Illinois, and western Kentucky.

**DATES:** Comments from all interested parties must be received by September 16, 1996.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to U.S. Fish and Wildlife Service, 620 South Walker Street, Bloomington, Indiana 47403-2121.

**FOR FURTHER INFORMATION CONTACT:** David Hudak, Field Supervisor, (see **ADDRESSES** section), 812/334-4261 extension 200.

## SUPPLEMENTARY INFORMATION:

### Background

A proposed rule to list the copperbelly water snake (sometimes referred to as the northern copperbelly water snake) as threatened was published on August 18, 1993 (58 FR 43860). A public hearing on the proposal was held in Indianapolis on April 4, 1994, and the comment period for this proposed rule was extended or reopened five times, with the last comment period closing on September 30, 1995 (60 FR 42140, August 15, 1995).

Following the December 15, 1994, to January 13, 1995, comment period the Service again began evaluating all available scientific and commercial data concerning the species' status. On April 10, 1995, Public Law 104-06 imposed a moratorium which prevented the addition of any species to the Threatened and Endangered Species List. Thus, the Service was prevented from making a final decision on the proposed threatened classification of the copperbelly water snake. The moratorium remained in effect until April 26, 1996, at which time Public Law 104-134 was enacted, providing for the termination of the listing moratorium by the President.

The Service is required to use the best available scientific and commercial data in making listing determinations under the Endangered Species Act of 1973 (Act), as amended. The Service's Final Listing Priority Guidance, published May 16, 1996, (61 FR 24722-24728) notes that the inaction forced upon the Service by the moratorium and related funding limitations may result in a need to reopen comment periods due to unresolved questions or the potential for the existence of new information. Pursuant to this Guidance, it is necessary to reopen the comment period to ensure that the Service has the best scientific and commercial information currently available to use in making a final listing determination for the copperbelly water snake.

During this comment period the Service desires to receive any scientific and commercial data that have become available since the previous comment period closed on September 30, 1995. If significant data are provided that are likely to influence the listing determination, the Service will notify the public of the data's existence and will provide copies to parties that request them. If necessary, the Service will then extend or reopen the comment period to allow sufficient time for interested parties to review and comment on the new data.

The Service expects to receive a report on the biological status of the northern population (southern Michigan and the adjacent portions of Indiana and Ohio) of the copperbelly water snake during this comment period. Parties wishing to receive a copy of the northern population report or other significant data received during this comment period are invited to furnish their address to the Service.

Therefore, by this notice the Service is reopening the comment period to solicit and receive additional data and comments on the proposal and to receive addresses from parties who want to receive a copy of the northern population report. The Service is especially interested in receiving data that have become available since the September 30, 1995, close of the previous comment period.

Data and comments which have been previously submitted do not need to be resubmitted. When the Service makes its final determination whether to list the copperbelly water snake as a threatened species all previously received materials will be considered along with newly submitted material. Data and comments received during this and earlier comment periods may lead to final regulations that differ from the proposal of August 18, 1993.

#### Author

The primary author of this notice is Ronald L. Refsnider, U.S. Fish and Wildlife Service, Division of Endangered Species, Bishop Henry Whipple Federal Building, 1 Federal Drive, Ft. Snelling, Minnesota 55111-4056 (612-725-3536).

#### Authority

Authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Dated: July 10, 1996.

William F. Hartwig,  
Regional Director, Region 3, Fort Snelling,  
MN.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 950605147-6189-04; I.D. 040996D]

RIN 0648-AH33

#### Proposed List of Fisheries for 1997

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** This action proposes changes for 1997 to the List of Fisheries (LOF) required by the Marine Mammal Protection Act (MMPA). The proposed LOF for 1997 reflects new information on commercial fisheries, marine mammals, and interactions between commercial fisheries and marine mammals. Under the MMPA, a commercial fishery is to be placed on the LOF in one of three categories based upon the level of serious injuries and mortalities that occur to marine mammals incidental to that fishery. The LOF informs the public of the level of interactions with marine mammals in various U.S. commercial fisheries and which fisheries are subject to certain provisions of the Marine Mammal Protection Act (MMPA) such as the requirement to register for Authorization Certificates. This action also proposes to revise the process for registering for such a certificate, under certain circumstances, to allow greater flexibility and to reduce associated paperwork and other burdens.

**DATES:** Comments on the proposed rule must be received by October 15, 1996.

**ADDRESSES:** Send comments to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

Comments regarding the burden-hour estimates or any other aspect of the collection of information requirements contained in this proposed rule should be sent to the above individual and to the Office of Information and Regulatory Affairs, OMB, Attention: NOAA Desk Officer, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Robyn Angliss, Office of Protected Resources, 301-713-2322; Douglas Beach, Northeast Region, 508-281-9254; Charles Oravetz, Southeast Region, 813-570-5301; James Lecky, Southwest Region, 310-980-4015; Brent

Norberg, Northwest Region, 206-526-6140; Steven Zimmerman, Alaska Region, 907-586-7235.

#### SUPPLEMENTARY INFORMATION:

Background

#### *History of the List of Fisheries*

The annual publication of a LOF placing all U.S. commercial fisheries into one of three categories based on the levels of incidental serious injury and mortality of marine mammals in the fishery is required by section 118 of the Marine Mammal Protection Act, as amended in 1994. Proposed and final regulations implementing section 118 of the MMPA were published in 1995 (60 FR 31666, June 17, 1995, and 60 FR 45086, August 30, 1995, respectively). These regulations replaced those published to implement old section 114, and establish the procedures NMFS now uses to manage incidental interactions between marine mammals and U.S. commercial fisheries.

Definitions of the fishery classification criteria for Category I, II, and III fisheries are found in the implementing regulations for section 118 (50 CFR part 229). Because classification of fisheries in the LOF depends on the definitions of the criteria, the following explanation of the criteria is provided. Although this information is available in the preambles to final rule implementing section 118 and to the LOF for 1996, it is repeated here because of the importance of this information to understanding how fisheries are classified.

#### *Fishery Classification Criteria*

The fishery classification criteria consist of a two-tiered, stock-specific approach that first addresses the total impact of all fisheries on each marine mammal stock and then addresses the impact of individual fisheries on each stock. This approach is based on the rate, in numbers of animals per year, of serious injuries and mortalities due to commercial fishing relative to the Potential Biological Removal (PBR) level for the each marine mammal stock.

*Tier 1.* If the total annual mortality and serious injury across all fisheries that interact with a stock is less than or equal to 10 percent of the PBR level of such a stock, then all fisheries interacting with this stock would be placed in Category III. Otherwise, these fisheries are subject to the next tier to determine their classification.

*Tier 2—Category I.* Annual mortality and serious injury of a stock in a given