

**§ 106.105 Applicability.**

The regulations in this part apply to a documented vessel with only a registry endorsement or a foreign-flagged vessel that has been issued a waiver by DOT under 46 U.S.C. 12102(d)(1), for the purpose of conducting aquaculture support operations.

**§ 106.110 Definitions.**

For the purpose of this part:  
*Aquaculture support operations* means activities that treat aquaculture fish for or protect aquaculture fish from disease, parasitic infestation, or other threats to their health.

**§ 106.115 Notification requirements.**

(a) Prior to operating in U.S. waters, a vessel owner, operator, or charterer that has been issued a waiver by DOT to conduct aquaculture support operations must notify the Coast Guard in writing of its status. The notification must include the following information:

- (1) The vessel(s) name(s);
- (2) The vessel's official and/ or International Maritime Organization number;
- (3) The geographic location within the waters of the United States where the vessel(s) will conduct treatment operations;
- (4) The period of time during which the waiver for the vessel(s) is approved including:
  - (i) The start date (MM/ DD/ YYYY); and
  - (ii) The expiration date (MM/ DD/ YYYY); and
- (5) A copy of the DOT-approved aquaculture waiver.

(b) Written notification must be made to the Commandant (CG-CVC), ATTN: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501, or by email to [CG-CVC-3@uscg.mil](mailto:CG-CVC-3@uscg.mil).

**§ 106.120 Operational and geographic requirements.**

(a) Vessels with a DOT waiver, issued under 46 U.S.C. 12102(d)(1), for the purpose of performing aquaculture support operations are subject to the following restrictions:

- (1) Commercial operations other than operations that treat or protect aquaculture fish are prohibited;
- (2) While conducting aquaculture support operations, vessels will operate solely within the geographic location identified in the approved waiver issued by DOT; and
- (3) Vessels will not conduct aquaculture support operations beyond

the period of time approved in the waiver issued by DOT.

(b) Vessels conducting aquaculture support operations will, at all times, maintain a copy of the waiver issued by DOT on board the vessel as proof of its eligibility to conduct aquaculture support operations.

**§ 106.125 Penalties.**

A vessel owner, operator, or charterer not operating a vessel as required in this part is subject to penalty under 46 U.S.C. 12151.

Dated: July 23, 2015.

**V.B. Gifford, Jr.,**

*Captain, U.S. Coast Guard, Director of Inspections and Compliance.*

[FR Doc. 2015-18620 Filed 7-29-15; 8:45 am]

**BILLING CODE 9110-04-P**

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**GENERAL SERVICES ADMINISTRATION**
**48 CFR Parts 536 and 552**

**[GSAR Case 2015-G508; Docket No. 2005-0013; Sequence No. 1]**

**RIN 3090-AJ57**

**General Services Administration Acquisition Regulation (GSAR); Removal of Unnecessary Construction Clauses and Editorial Changes**

**AGENCY:** Office of Acquisition Policy, General Services Administration (GSA).

**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration (GSA) is issuing a proposed rule amending the General Services Administration Acquisition Regulation (GSAR) coverage on Construction and Architect-Engineer Contracts, including provisions and clauses for solicitations and resultant contracts, to remove unnecessary regulations.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat at one of the addressees shown below on or before September 28, 2015 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to GSAR Case 2015-G508 by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments by searching for "GSAR Case 2015-G508". Select the link "Comment Now" that corresponds with "GSAR Case 2015-G508." Follow the instructions provided at the "Comment Now" screen. Please include your name, company name (if any), and "GSAR

Case 2015-G508" on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Ms. Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

*Instructions:* Please submit comments only and cite GSAR Case 2015-G508, in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christina Mullins, Program Analyst, at 202-969-4066 or email at [Christina.Mullins@gsa.gov](mailto:Christina.Mullins@gsa.gov), for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202-501-4755. Please cite GSAR Case 2015-G508.

**SUPPLEMENTARY INFORMATION:****I. Background**

GSA is proposing to amend the GSAR to revise sections of GSAR part 536, Construction and Architect-Engineer Contracts, and part 552, Solicitation Provisions and Contract Clauses, to remove unnecessary construction clauses.

The proposed rule includes the removal of one section and seven GSAR subpart 536.5 supplemental provisions and clauses that are now covered in the Federal Acquisition Regulation (FAR) or are otherwise no longer necessary for the agency.

A GSA Acquisition Manual (GSAM) rewrite initiative was undertaken by GSA to revise the GSAM starting in 2008. A proposed rule to update GSAR part 536, Construction and Architect-Engineer Contracts was initially published as GSAR Case 2008-G509 in the **Federal Register** at 73 FR 73199, December 2, 2008. Due to the variety of issues addressed in the GSAR 536 rewrite, and strong internal stakeholder interest, the agency re-evaluated the implementation plan for the GSAR 536 rewrite and withdrew this initial proposed rule. The initial proposed rule withdrawal was published in the **Federal Register** at 80 FR 6944, February 9, 2015. GSAR Case 2015-G508 is the first of several new GSAR cases to separately address the issues and update the GSAR 536 text.

**II. Discussion and Analysis**

The changes to the GSAM included in the proposed rule are summarized below:

- GSAR subpart 536.1, General: Revised to add language at GSAR

536.101 to clarify applicability of this part.

- GSAR 536.271, Project Labor Agreements (PLA): The coverage on project labor agreements is being removed in its entirety as Executive Order (E.O.) 13202 revoked the June 5, 1997 Presidential Memorandum entitled “Use of Project Labor Agreements for Federal Construction Projects” that provided for the original inclusion in the GSAM. In addition, later PLA guidance from E.O. 13502 was incorporated into the FAR effective May 13, 2010 under FAR Case 2009–005. The GSAR language is out of date and conflicts with FAR subpart 22.5 and clause 52.222–33. The current FAR coverage does not require further agency implementation or supplementation.

- GSAR subpart 536.5, Contract Clauses: Several prescriptions and associated clauses will be removed as listed below.

- GSAR prescription 536.570–3, Specialist and associated clause 552.236–72. The specialist requirement is a technical detail contained in the scope of work or specifications for a contract or task order. A regulatory clause is not warranted.

- GSAR prescription 536.570–5, Working Hours and associated clause 552.236–74. The working hour’s requirement is a technical detail contained in the scope of work or specifications for a contract or task order. Working hours are also covered in FAR subparts 22.3 and 22.4. A regulatory clause is not warranted.

- GSAR prescription 536.570–6, Use of Premises and associated clause 552.236–75. The use of premises requirement is a technical detail contained in the scope of work or specifications for a contract or task order. A regulatory clause is not warranted.

- GSAR prescription 536.570–7, Measurements and associated clause 552.236–76. The measurements requirement is a technical detail contained in the scope of work or specifications for a contract or task order. A regulatory clause is not warranted.

- GSAR prescription 536.570–10, Samples and associated clause 552.236–79. Samples are a type of submittal. Submittal requirements are contained in the scope of work or specification for a contract or task order. Submittals are also covered under FAR Subpart 42.3 and FAR clause 52.246–12. A regulatory clause is not warranted.

- GSAR prescription 536.570–11, Heat and associated clause 552.236–80. The heat requirement is a technical detail contained in the scope of work or

specifications for a contract or task order. A regulatory clause is not warranted.

- GSAR prescription 536.570–14, Requirement for a Project Labor Agreement and associated clause 552.236–83. The GSAR language is out of date and conflicts with FAR subpart 22.5 and clause 52.222–33. The current FAR coverage does not require further agency implementation or supplementation.

### III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

### IV. Regulatory Flexibility Act

GSA does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule only deletes unnecessary sections and clauses and does not contain substantive changes. However, an Initial Regulatory Flexibility Analysis (IRFA) has been prepared and is summarized as follows:

The proposed rule changes will not have a significant economic impact on a substantial number of small entities. The rule changes do not place any new requirements on small entities. The section, provision and clause associated with project labor agreement is no longer a requirement based on E.O. 13202 and because E.O. 13502 was incorporated into FAR Subpart 22.5. The provisions and associated clauses for specialist, working hours, use of premises, measurements, samples, heat, and government use of equipment are considered technical requirements that are contained in the scope of work or specifications. The rule does not duplicate, overlap, or conflict with any other Federal rules. No alternatives were determined that will accomplish the objectives of the rule.

The Regulatory Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the

IRFA may be obtained from the Regulatory Secretariat. GSA invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

GSA will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.*, (GSAR Case 2015–G508), in correspondence.

### V. Paperwork Reduction Act

This proposed rule does not contain any information collection requirements that require approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

### List of Subjects in 48 CFR Parts 536 and 552

Government procurement.

Dated: July 23, 2015.

**Jeffrey A. Koses,**

*Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.*

Therefore, GSA proposes to amend 48 CFR parts 536 and 552 as set forth below:

■ 1. The authority citation for 48 CFR part 536 continues to read as follows:

**Authority:** 40 U.S.C. 486(c).

### PART 536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

■ 2. Revise section 536.101 to read as follows:

#### 536.101 Applicability.

This part supplements FAR part 36 policies and procedures applicable to contracting for construction and architect-engineer services. Contracts for construction management services are covered by FAR part 37 and GSAM part 537. Part 536 shall take precedence when the acquisition involves construction or architect-engineer services, and when the requirement is inconsistent with another part of the GSAR.

#### 536.271 [Removed and Reserved]

■ 3. Remove and reserve section 536.271.

#### 536.570–3 [Removed and Reserved]

■ 4. Remove and reserve section 536.570–3.

#### 536.570–5 through 536.570–7 [Removed and Reserved]

■ 5. Remove and reserve sections 536.570–5 through 536.570–7.

**536.570–10 and 536.570–11 [Removed and Reserved]**

■ 6. Remove and reserve sections 536.570–10 and 536.570–11.

**536.570–14 [Removed]**

■ 7. Remove section 536.570–14.

Authority: 40 U.S.C. 121(c).

**PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

■ 8. The authority citation for 48 CFR part 552 continues to read as follows:

**552.236–72 [Removed and Reserved]**

■ 9. Remove and reserve section 552.236–72.

**552.236–74 through 552.236–76 [Removed and Reserved]**

■ 10. Remove and reserve sections 552.236–74 through 552.236–76.

**552.236–79 and 552.236–80 [Removed and Reserved]**

■ 11. Remove and reserve sections 552.236–79 and 552.236–80.

**552.236–83 [Removed]**

■ 12. Remove section 552.236–83.

[FR Doc. 2015–18595 Filed 7–29–15; 8:45 am]

BILLING CODE 6820–61–P

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****49 CFR Part 271**

[Docket No. FRA–2009–0038]

RIN 2130–AC11

**Risk Reduction Program; Public Hearing and Reopening of Comment Period**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

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

**SUMMARY:** On February 27, 2015, FRA published a notice of proposed rulemaking that would require certain railroads to develop a Risk Reduction Program (RRP). FRA is announcing a public hearing to provide interested persons an opportunity to provide oral comments on the proposal. The Rail Safety Improvement Act of 2008 requires the development and implementation of railroad safety risk

reduction programs. Risk reduction is a comprehensive, system-oriented approach to safety that: (1) Determines an operation's level of risk by identifying and analyzing applicable hazards; and (2) involves the development of plans to mitigate that risk. Each RRP is statutorily required to be supported by a risk analysis and a Risk Reduction Program Plan (RRPP), which must include a Technology Implementation Plan and a Fatigue Management Plan. FRA is also reopening the comment period for this proceeding to allow time for interested parties to submit comments after the public hearing.

**DATES:** A public hearing will be held on August 27, 2015, in Washington, DC and will commence at 9 a.m. The comment period for the proposed rule published on February 27, 2015 (80 FR 10950) is reopened. Comments must be received by September 10, 2015.

**ADDRESSES:** *Public Hearing.* The public hearing will be held at the Marriott Renaissance Hotel, 999 9th St. NW., Washington, DC 20001.

**FOR FURTHER INFORMATION CONTACT:**

Miriam Kloeppe, Staff Director, Risk Reduction Program Division, Office of Safety Analysis, FRA, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590; telephone: 202–493–6224; email: [Miriam.Kloeppe@dot.gov](mailto:Miriam.Kloeppe@dot.gov); or Elizabeth Gross, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Mail Stop 10, Washington, DC 20590; telephone: 202–493–1342; email: [Elizabeth.Gross@dot.gov](mailto:Elizabeth.Gross@dot.gov).

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to present oral statements and to offer information and views at the hearing. The hearing will be informal and will be conducted by a representative FRA designates under FRA's Rules of Practice (49 CFR 211.25). The hearing will be a non-adversarial proceeding. Therefore, there will be no cross examination of persons presenting statements or offering evidence. An FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements are completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so in the same order in which the initial statements were made. FRA will announce additional procedures necessary to conduct of the hearing at the hearing. The purpose of this hearing is to receive oral comments in response to a Notice of Proposed Rulemaking (NPRM) that requested public comment on a potential risk

reduction rulemaking. See 80 FR 10950, February 27, 2015. FRA will add a transcript of the discussions to the public docket in this proceeding.

*Public Participation Procedures.* Any persons wishing to make a statement at the hearing should notify Miriam Kloeppe, Staff Director, Risk Reduction Program Division, by telephone, email, or in writing, at least five business days before the date of the hearing and submit three copies of the oral statement that he or she intends to make at the proceeding. The notification should identify the party the person represents, the particular subject(s) the person plans to address, and the time requested. The notification should also provide the participant's mailing address and other contact information. FRA reserves the right to limit participation in the hearing of persons who fail to provide such notification. FRA also reserves the right to limit the duration of presentations if necessary to afford all persons with the opportunity to speak. Ms. Kloeppe's contact information is as follows: Staff Director, Risk Reduction Program Division, Office of Safety Analysis, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone: 202–493–6224; email: [Miriam.Kloeppe@dot.gov](mailto:Miriam.Kloeppe@dot.gov).

For information on facilities or services for persons with disabilities, or to request special assistance at the hearing, contact FRA Program Analyst, Kenton Kilgore; by telephone, email, or in writing; at least five business days before the date of the hearing. Mr. Kilgore's contact information is as follows: FRA, Office of Railroad Safety, Mail Stop 25, 1200 New Jersey Avenue SE., Washington, DC 20590; (202) 493–6286; [Kenton.Kilgore@dot.gov](mailto:Kenton.Kilgore@dot.gov).

*Reopening of Comment Period.* A public hearing is scheduled after the close of the comment period specifically provided for in the notice of proposed rulemaking. To accommodate the public hearing and afford interested parties the opportunity to submit comments in response to views or information provided at the public hearing, FRA is reopening the comment period for the proposed rule published on February 27, 2015 (80 FR 10950), comments must be received by September 10, 2015.

Issued in Washington, DC.

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety, Chief Safety Officer.*

[FR Doc. 2015–18396 Filed 7–29–15; 8:45 am]

BILLING CODE 4910–06–P