

would amount to no more than 30 minutes. Seventy-five percent of the respondents are expected to file electronically.  $7,778 \text{ applications} \times \$2.30 = \$536,682$ . All other respondents would be expected to file manually and would incur the following costs:  $2,592 \text{ applications} \times \$1.15 = \$2,981$ . Total capital and start-up costs =  $\$536,682 + \$2,981 = \$539,663$ .

We assume that the respondents contracting out the information would use an attorney or engineer (average of \$200 per hour) to prepare the information.  $7,778 \text{ applications} \times \$200 \text{ per hour} \times 3 \text{ hours} = \$4,666,800$ . Total Respondent Costs:  $\$539,663 + \$4,666,800 = \$5,203,463$ .

**Cost to the Federal Government:** The government review time for this submission is estimated at 15 minutes per response with the review being done by personnel at the GS-6 level.  $10,370 \text{ applications} \times \$3.39 = \$35,154$ .

#### C. *Ex Parte* Rules—Non-Restricted Proceeding

This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules, 47 CFR §§ 1.1202, 1.1203, 1.1206(a).

#### D. Comment Period

Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before August 15, 1996. Reply comments are to be filed on or before August 30, 1996. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington D.C. 20554. A copy of all comments should also be filed with the Commission's copy contractor, ITS, Inc., 2100 M Street, N.W., Suite 140, (202) 857-3800.

#### E. Authority

The above action is authorized under the Communications Act, §§ 4(i), 303(r), 309(c), 309(j), and 332, 47 U.S.C. §§ 154(i), 303(r), 309(c), 309(j), and 332, as amended.

#### F. Ordering Clauses:

It is ordered that, pursuant to Sections 4(i), 303(r), 309(c), 309(j), and 332 of the

Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(c), 309(j), and 332, a NOTICE OF PROPOSED RULEMAKING is hereby ADOPTED.

It is further ordered, that comments in WT Docket No. 96-148 will be due August 15, 1996 and reply comments will be due August 30, 1996.

#### List of Subjects in 47 CFR Part 24

Communications common carriers, Federal Communications Commission, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-18847 Filed 7-24-96; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF ENERGY

### 48 CFR Parts 917, 950, 952 and 970

RIN 1991-AB-09

#### Acquisition Regulation; Department of Energy Management and Operating Contracts.

**AGENCY:** Department of Energy.

**ACTION:** Proposed rule; supplemental notice.

**SUMMARY:** On June 24, 1996, the Department of Energy (DOE or Department) published a notice of proposed rulemaking (61 FR 32588) (DOE-NOPR) to amend the Department of Energy Acquisition Regulation (DEAR) to incorporate certain contract reform initiatives. Among the contract reform initiatives contained in the DOE-NOPR was a proposal to amend the DEAR to address the treatment of costs which its management and operating contractors incur in proceedings involving *qui tam* actions. On June 20, 1996, the Civilian Agency Acquisition Council and the Defense Acquisition Council published a notice of proposed rulemaking (61 FR 31790) (FAR-NOPR) to amend the Federal Acquisition Regulation (FAR) to address the same issue. This notice solicits comments on whether the Department should adopt the FAR approach, instead of its originally proposed approach, in addressing legal costs incurred in connection with *qui tam* actions in which the Government does not intervene.

**DATES:** Written comments on the issue presented in this notice and on the DOE-NOPR must be submitted by August 23, 1996.

**ADDRESSES:** All comments are to be submitted to Connie P. Fournier, Office of Policy (HR-51), Department of Energy, 1000 Independence Avenue, SW., Washington, DC. 20585, (202) 586-8245; (202) 586-0545 (facsimile); connie.fournier@hq.doe.gov (Internet).

The administrative record regarding this rulemaking that is on file for public inspection, to include a copy of the transcript of the public hearing scheduled for August 1st at the Department's Independence Avenue address, and any additional public comments received, is located in the Department's Freedom of Information Reading Room, Room 1E-190, 1000 Independence Avenue, SW., Washington, DC 20585.

#### FOR FURTHER INFORMATION CONTACT:

Connie P. Fournier, Office of Policy (HR-51), Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8245.

**SUPPLEMENTARY INFORMATION:** On June 24, 1996, DOE published a NOPR to amend the Department of Energy Acquisition Regulation (DEAR) to incorporate certain contract reform initiatives. Among the Department-wide contract reform initiatives contained in the DOE-NOPR was a proposal to amend DEAR 970.5204-61, Cost Prohibitions Related to Legal and Other Proceedings, to add a new paragraph (h). The proposal addresses the treatment of management and operating contractor costs incurred in proceedings involving *qui tam* actions under the False Claims Act, 31 U.S.C. 3730, alleging fraud against the Government, which are not covered by the existing provisions of that clause.

On June 20, while the Department was waiting for its own proposal to be published, the Civilian Agency Acquisition Council and the Defense Acquisition Council published a notice of proposed rulemaking that addresses the same issue. The FAR-NOPR approach would amend the cost principle at FAR 31.205-47 by amending paragraph (b), creating a new subparagraph (c)(2), and amending subparagraph (e)(3). Except for the change in existing policy contained in (e)(3), which goes beyond *qui tam* cases, the DOE-NOPR and FAR-NOPR approaches would have the same result. Both approaches would make legal costs connected with *qui tam* actions which result in a judgment against the contractor an unallowable cost, and both approaches authorize the contracting officer to make provisional or conditional reimbursement pending the outcome of a case. The only difference occurs in the event of a

settlement agreement, where the FAR–NOPR approach would only allow 80% of the contractor's costs to be reimbursed, even if the settlement agreement provides for full reimbursement.

The Department is considering switching to the FAR–NOPR approach and amending existing paragraphs in its clause, rather than creating a new stand-alone paragraph. DOE urges interested members of the public to comment on the two approaches and whether the Department should adopt the FAR approach in its final rulemaking.

Issued in Washington, DC on July 18, 1996.  
Richard H. Hopf,

*Deputy Assistant Secretary for Procurement and Assistance Management.*

[FR Doc. 96–18774 Filed 7–24–96; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 171, 173 and 180

[Docket No. HM–200; Notice No. 96–14]

RIN 2137–AB37

#### Hazardous Materials in Intrastate Transportation; Access to Docket During Temporary Closure of Dockets Unit

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Access to docket during temporary closure of Dockets Unit.

**SUMMARY:** This notice announces an alternate location for information contained in Docket HM–200 (Hazardous Materials in Intrastate Transportation) during temporary closure of RSPA's Dockets Unit.

**DATES:** *Written Comments:* The closing date for written comments under Notice No. 96–9 [61 FR 24904] remains August 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jackie Smith or Diane LaValle, (202) 366–8553, Office of Hazardous Materials Standards, RSPA, Department of Transportation, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** In an effort to improve the indoor air quality in the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590, the U.S. Department of Transportation and the building's owner have initiated a major cleaning project. This project entails a thorough cleaning of the building on a floor-by-floor basis. During the cleaning of each floor, the

floor will be closed to employees and visitors. It is estimated that the cleaning of each floor will take approximately three weeks. During this three-week period, the offices on each floor will be closed and the affected employees will be relocated to another building. Once the cleaning of a floor is complete, employees and visitors may return to that floor. RSPA's Dockets Unit is located on the eighth floor. Cleaning of the eighth floor is scheduled to begin on Monday, August 12, 1996 and last until September 3, 1996. As a result, RSPA's Dockets Unit is scheduled to close for approximately three weeks.

Because of the volume of materials in the Dockets Unit, it cannot be relocated during the cleaning and will be closed. However, since the comment period is open until August 16, 1996 under the supplemental notice of proposed rulemaking, extension of comment period [61 FR 24904], Docket HM–200 will be relocated and made available for review in Room 5414A of the Nassif Building, telephone (202) 366–4900. The public may view this docket between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday, except Federal holidays.

Following completion of cleaning, Docket HM–200 will be returned to the Dockets Unit in Room 8421 of the Nassif Building, 400 Seventh Street, SW., Washington, DC, 20590–0001, telephone (202) 366–5046.

Issued in Washington, DC on July 19, 1996, under the authority delegated in 49 CFR part 106, Appendix A.

Alan I. Roberts,  
*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 96–18952 Filed 7–24–96; 8:45 am]

BILLING CODE 4910–60–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018–AC22

#### Endangered and Threatened Wildlife and Plants; Notice of Six Month Extension on the Proposed Rule to List the Barton Springs Salamander as an Endangered Species

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

**ACTION:** Proposed rule; notice of extension.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) gives notice that the deadline to determine whether the Barton Springs salamander (*Eurycea*

*sosorum*) is an endangered species under the Endangered Species Act of 1973 (Act), as amended, is extended for a period not to exceed August 30, 1996.

**DATES:** The new deadline for final action on the proposed listing of the Barton Springs salamander as an endangered species is August 30, 1996. The public comment period on this proposed listing was closed on July 10, 1996 by virtue of an order issued on that date by the United States District Court for the Western District of Texas.

**ADDRESSES:** Inquiries regarding the proposed listing should be sent to the U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, 10711, Burnet Road, Suite 200, Austin, Texas 78758 (512) 490–0057, facsimile (512) 490–0974.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Service published a proposed rule to list the Barton Springs salamander as an endangered species on February 17, 1994 (59 FR 7968). As set forth in the proposal, the primary threat to this species is contamination of the waters that supply Barton Springs by potential catastrophic events and chronic degradation resulting from urban activities. Also of concern are disturbances to the salamander's above-ground springhead habitats (the waters in Barton Springs, Eliza Pool, and Sunken Garden Springs) and reduced groundwater supplies resulting from increased groundwater withdrawal.

The comment period on the proposed listing originally closed April 18, 1994. It was reopened May 26, 1994 and closed July 1, 1994 (59 FR 27257; May 26, 1994). On March 19, 1995, the Service published a notice extending the deadline for final action on this proposed listing for a period of up to six months and the public comment period was reopened until May 17, 1995 (60 FR 13105). The notice indicated this extension was necessary because, “during the comment periods and subsequent to the close of comment on this proposal, the Service received recommendations and information relevant to a final decision on the listing of the salamander. In order to adequately incorporate all pertinent information in the deliberation leading