

proposed or final regulations that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

EPA has determined, as discussed earlier, that the finding that is the subject of this final action of failure to attain and grant a 1-year extension does not impose any federal intergovernment mandate, as defined in section 101 of the Unfunded Mandates Act. A finding that an area has failed to attain and should be granted a 1-year extension of the attainment date consists of factual determinations based upon air quality considerations and the area's compliance with certain prior requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector result from this action. This action also will not impose a mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

Extensions of attainment dates under § 188(d) do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. USEPA*, 427 US 246, 256-66 (S.Ct. 1976); 42 USC § 7410 (a)(2).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. A future notice will inform the general public of these tables. The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic,

and environmental factors and in relation to relevant statutory and regulatory requirements.

Under § 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. [See § 307(b)(2).]

**List of Subjects in 40 CFR Part 81**

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

**Note:** Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: July 10, 1995.

**John P. DeVillars,**

*Regional Administrator, EPA-New England.*  
[FR Doc. 95-22132 Filed 9-8-95; 8:45 am]

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 1803, 1815, and 1852**

**Addition of Coverage to NASA FAR Supplement Coverage on NASA Ombudsman Program**

**AGENCY:** Office of Procurement, National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This rule amends the regulations by adding coverage concerning NASA's Ombudsman Program. The Ombudsman Program will improve communications with interested parties. This rule sets forth a clause for identification of the NASA and installation ombudsmen to be included in solicitations and contracts. The clause also serves as the basis for a statement to be included in "Commerce Business Daily" announcements. In addition, the rule amends NASA's coverage on procurement integrity to include the NASA and installation ombudsmen as individuals authorized access to proprietary and source selection information.

**EFFECTIVE DATE:** October 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joseph Le Cren, (202) 358-0444.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 25, 1995, a proposed rule to amend the NFS to add coverage on NASA's Ombudsman Program was published in the **Federal Register** (60 FR 27710) for comment. All comments were reviewed. A change was made as a result of the comments to substitute the word "adjudication" for "arbitration" in the clause at 1852.7002. That change was made as the term "arbitration" could be read as being too restrictive in its meaning. In addition, the word "Selection," appearing in the clause at 1852.215-84 was replaced with "Evaluation." That change is due to "Selection" being incorrect when the intention was to refer to NASA "Source Evaluation Board."

**Impact**

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

**List of Subjects in 48 CFR Parts 1803, 1815, and 1852**

Government procurement.

**Tom Luedtke,**

*Deputy Associate Administrator for Procurement.*

Accordingly, 48 CFR parts 1803, 1815, and 1852 are amended as follows:

1. The authority citation for 48 CFR parts 1803, 1815, and 1852 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

**PART 1803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

2. In section 1803.104-5, the introductory text of paragraph (c) is revised and (c)(11) is added to read as follows:

**1803.104-5 Disclosure, protection, and marking of proprietary and source selection information.**

\* \* \* \* \*

(c) Government employees serving in the following positions are authorized access to proprietary or source selection information, but only to the extent necessary to perform their official duties:

\* \* \* \* \*

(11) Duly designated ombudsman.

\* \* \* \* \*

**PART 1815—CONTRACTING BY NEGOTIATION**

3. Subpart 1815.70 is added to read as follows:

**Subpart 1815.70—Ombudsman**

1815.7001 NASA Ombudsman Program.  
1815.7002 Commerce Business Daily announcements, solicitations and contracts.

**1815.7001 NASA Ombudsman Program.**

NASA's implementation of an ombudsman program is in NMI 1210.3, NASA Ombudsman Program.

**1815.7002 Commerce Business Daily announcements, solicitations and contracts.**

The contracting officer shall include a statement similar to that contained in the clause at 1852.215-84, Ombudsman, in Commerce Business Daily announcements of competitive procurements. Also, a clause substantially the same as the one at 1852.215-84 shall be included in Section L of solicitations, including draft solicitations, and in all contracts.

4. Section 1852.215-84 is added to read as follows:

**1852.215-84 Ombudsman.**

As prescribed in 1815.7002, insert the following clause:

**Ombudsman**

(October 1995)

An ombudsman has been appointed to hear concerns from offerors, potential offerors, and contractors during the preaward and postaward phases of this acquisition. The purpose of the ombudsman is not to diminish the authority of the contracting officer, the Source Evaluation Board, or the selection official, but to communicate concerns, issues, disagreements, and recommendations of interested parties to the appropriate Government personnel and to work to resolve them. When requested, the ombudsman will maintain strict confidentiality as to the source of the concern. The ombudsman does not participate in the evaluation of proposals, the source selection process, or the adjudication of formal contract disputes. Interested parties are invited to call the installation ombudsman \_\_\_\_\_ [Insert name] at \_\_\_\_\_ [Insert telephone number]. Concerns, issues, disagreements, and recommendations which cannot be resolved at the installation may be referred to the NASA ombudsman \_\_\_\_\_ [Insert name] at \_\_\_\_\_ [Insert telephone number].

(End of Clause)

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 642**

[Docket No. 940710-4292; I.D. 090195E]

**Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure of a Commercial Fishery**

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

**ACTION:** Closure of a commercial fishery for king mackerel.

**SUMMARY:** NMFS closes the commercial fishery in the exclusive economic zone (EEZ) for king mackerel from the western zone of the Gulf migratory group. This closure is necessary to protect the overfished Gulf king mackerel resource.

**EFFECTIVE DATE:** September 5, 1995, through June 30, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mark F. Godcharles, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 642, under the authority of the Magnuson Fishery Conservation and Management Act.

Catch limits recommended by the Councils and implemented by NMFS for the Gulf of Mexico migratory group of king mackerel for the current fishing year (July 1, 1995, through June 30, 1996) set the commercial quota at 0.77 million pounds (0.35 million kg) for the western zone.

Under 50 CFR 642.26(a), NMFS is required to close any segment of the

king mackerel commercial fishery when its allocation or quota has been reached, or is projected to be reached, by publishing a document in the **Federal Register**. NMFS has determined that the commercial quota of 0.77 million pounds (0.35 million kg) for the western zone of the Gulf migratory group of king mackerel was reached on September 4, 1995. Hence, the commercial fishery for Gulf group king mackerel from the western zone is closed effective 12:01 a.m., local time, September 5, 1995, through June 30, 1996, the end of the fishing year. The boundary between the eastern and western zones is a line directly south from the Florida/Alabama boundary (87°31'06" W. long.).

Except for a person aboard a charter vessel, during the closure, no person aboard a vessel permitted to fish under a commercial allocation may fish for, retain, or have in possession in the EEZ king mackerel from the western zone. A person aboard a charter vessel may continue to fish for king mackerel in the western zone under the bag limit set forth in § 642.24(a)(1)(i), provided the vessel is under charter and the vessel has an annual charter vessel permit, as specified in § 642.4(a)(2). A charter vessel with a permit to fish on a commercial allocation is under charter when it carries a passenger who fishes for a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the western zone taken in the EEZ, including those harvested under the bag limit, may not be purchased, bartered, traded, or sold. This prohibition does not apply to trade in king mackerel from the western zone that were harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by a dealer or processor.

**Classification**

This action is taken under 50 CFR 642.26(a) and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: September 5, 1995.

**Richard W. Surdi,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95-22401 Filed 9-6-95; 10:44 am]

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