

**Compliance With Other Laws**

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 USC 601 *et seq.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

- (a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;
- (b) Introduce incompatible uses which compromise the nature and character of the area or causing physical damage to it;
- (c) Conflict with adjacent ownerships or land uses; or
- (d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, and in accord with the procedural requirements of the National Environmental Policy Act (NEPA), and by Departmental Regulations in 516 DM 6, (49 FR 21438) an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) have been prepared.

**List of Subjects in 36 CFR Part 13**

Alaska, National Parks, reporting and record keeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR chapter I, part 13 as follows:

**PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA**

**Subpart C—Special Regulations—Specific Park Areas in Alaska**

1. The authority citation for part 13 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 462(k), 3101 *et seq.*; § 13.65(b) also issued under 16 U.S.C. 1361, 1531.

**§ 13.63 [Amended]**

2. Section 13.63 is amended by revising paragraph (f) to read as follows:

\* \* \* \* \*

(f) *Mountain climbing.* Climbing on Mount McKinley or Mount Foraker without registering, on a form provided by the Superintendent, at least 60 days in advance of any climb is prohibited.

Dated: August 23, 1995.  
**George T. Frampton, Jr.,**  
*Assistant Secretary for Fish and Wildlife and Parks.*  
 [FR Doc. 95-22749 Filed 9-12-95; 8:45 am]  
**BILLING CODE 4310-70-P**

**POSTAL SERVICE**

**39 CFR Part 955**

**Rules of Practice Before the Board of Contract Appeals**

**AGENCY:** Board of Contract Appeals, Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** This document contains proposed revisions to certain rules of practice of the Postal Service Board of Contract Appeals (Board). These revisions would implement provisions of the Federal Acquisition Streamlining Act of 1994, which amended the Contract Disputes Act of 1978, under which the Board adjudicates contract disputes. These revisions would increase the maximum amount that may be in dispute for appeals to qualify for consideration under the small claims and accelerated procedures of boards of contract appeals.

**DATES:** Comments must be received on or before November 13, 1995.

**ADDRESSES:** Written comments should be mailed or delivered to the Judicial Officer Department, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260-6100. Comments received will be available at the above address for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Dennis E. Wiessner, Jr., or J. Brett Golden, 202-268-5438.

**SUPPLEMENTARY INFORMATION:**

**Background**

This document contains proposed revisions to the rules of practice of the Postal Service Board of Contract Appeals (Board). These revisions would implement certain provisions of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355) (FASA), which amended sections 8(f) and 9(a) of the Contract Disputes Act of 1978 (41 U.S.C. 601-613), under which the Board adjudicates contract disputes. These revisions would increase the maximum amount that may be in dispute for appeals to qualify for consideration under the small claims and accelerated procedures of boards of contract appeals.

The Postmaster General has delegated to the Board the authority to adopt and issue rules necessary to resolve contract disputes under the Contract Disputes Act of 1978. 39 CFR 955.1(d).

**Effective Date**

Pursuant to sections 10001 and 10002 of the FASA, the Board proposes to make the revised rules, as well as sections 2351(c) and (d) of the FASA, applicable to all pending appeals and to those appeals filed on or after October 1, 1995. However, comments will be considered for November 13, 1995.

**Proposed Changes**

The monetary limit of the eligibility requirement for the small claims (expedited) procedure is increased from \$10,000 to \$50,000 (39 CFR 955.13(b)(1), (c)(1)). The monetary limit of the eligibility requirement for the accelerated procedure is increased from \$50,000 to \$100,000 (39 CFR 955.13(b)(2), (d)(1), (d)(3)).

**List of Subjects in 39 CFR Part 955**

Administrative practices and procedure, Postal Service.

For the reasons set forth in the preamble, the Postal Service proposes to amend 39 CFR part 955 as follows:

**PART 955—RULES OF PRACTICE BEFORE THE BOARD OF CONTRACT APPEALS**

1. The authority citation for 39 CFR part 955 is revised to read as follows:

**Authority:** 39 U.S.C. 204, 401; 41 U.S.C. 607, 608.

2. Section 955.9 is amended by revising the second sentence to read as follows:

**§ 955.9 Hearing election.**

\* \* \* In appropriate cases, the appellant shall also elect whether he desires the optional small claims (expedited) procedure or accelerated procedure prescribed in § 955.13.

**§ 955.13 [Removed]**

3. Section 955.13 is removed.

**§ 955.36 [Redesignated as § 955.13]**

4. Section 955.36 is redesignated as § 955.13 and amended by revising the first sentence of paragraphs (b)(1) and (b)(2); by revising paragraph (c)(1) and the first sentence of (c)(2)(ii) and the fourth sentence of paragraph (c)(4); by revising paragraph (d)(1) and the third sentence of (d)(3); by revising paragraph (e); and by adding paragraph (f), as follows:

**§ 955.13 Optional small claims (expedited) and accelerated procedures.**

\* \* \* \* \*

(b) Elections to Utilize small claims (expedited) and accelerated Procedure.

(1) In appeals where the amount in dispute is \$50,000 or less, the appellant may elect to have the appeal processed under a small claims (expedited) procedure requiring decision of the appeal, whenever possible, within 120 days after the Board receives written notice of the appellant's election to utilize this procedure. \* \* \*

(2) In appeals where the amount in dispute is \$100,000 or less, the appellant may elect to have the appeal processed under an accelerated procedure requiring the decision of the appeal, whenever possible, within 180 days after the Board receives written notice of the appellant's election to utilize this procedure. \* \* \*

(c) The small claims (expedited) Procedure.

(1) This procedure shall apply only to appeals where the amount in dispute is \$50,000 or less as to which the appellant has elected the small claims (expedited) procedure.

(2) \* \* \* (ii) within 5 days after the Board has acknowledged receipt of the notice of election, either party desiring an oral hearing shall so inform the Board. \* \* \*

\* \* \* \* \*

(4) \* \* \* Whenever such an oral decision is rendered, the Board will subsequently furnish the parties a typed copy of such oral decision for the record and payment purposes and for the establishment of the commencement date of the period for filing a motion of reconsideration under § 955.30.

\* \* \* \* \*

(d) The accelerated Procedure.

(1) This procedure shall apply only to appeals where the amount in dispute is \$100,000 or less as to which the appellant has made the requisite election.

\* \* \* \* \*

(3) \* \* \* Alternatively, in cases where the amount in dispute is \$50,000 or less as to which the accelerated procedure has been elected and in which there has been a hearing, the single Administrative Judge presiding at the hearing may, with the concurrence of both parties, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions, and a decision of the appeal. \* \* \*

(e) Motions for Reconsideration in Cases Arising Under § 955.13. Motions

for reconsideration of cases decided under either the small claims (expedited) procedure or the accelerated procedure need not be decided within the time periods prescribed by this § 955.13 for the initial decision of the appeal, but all such motions shall be processed and decided rapidly so as to fulfill the intent of this section.

(f) Except as herein modified, the rules of this part 955 otherwise apply in all aspects.

**§ 955.35 [Removed]**

Section 955.35 is removed.

**§ 955.37 [Redesignated as 955.35]**

6. Section 955.37 is redesignated as § 955.35.

7. New § 955.36 is added to read as follows:

**§ 955.36 Effective Dates and applicability.**

The provisions of §§ 955.9 and 955.13 took effect [date of publication of final rule in the **Federal Register**]. Pursuant to the Contract Disputes Act of 1978 (41 U.S.C. 601-613), §§ 955.13 and 955.35 apply to appeals relating to contracts entered into on or after March 1, 1979. All other provisions of this part 955 took effect February 18, 1976. Except as otherwise directed by the Board, these rules shall not apply to appeals docketed prior to their effective date.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 69**

[AD-FRL-5291-2]

**Proposed Conditional Special Exemption From Requirements of the Clean Air Act for the Territory of American Samoa, the Commonwealth of the Northern Mariana Islands, and the Territory of Guam**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed actions.

**SUMMARY:** The Governors of the Territory of American Samoa (American Samoa), the Commonwealth of the Northern Mariana Islands (CNMI), and the Territory of Guam (Guam) each submitted a petition under section 325(a) of the Clean Air Act (the Act) for a waiver from title V of the Act. Title V requires that states, including the

petitioners, adopt and submit to EPA a title V operating permits program for major sources and certain other stationary sources. Title V also requires that sources located in areas that do not adopt a state title V permitting program obtain a federal permit from the US EPA. Section 325(a) allows American Samoa, CNMI, and Guam to petition for an exemption from certain Clean Air Act requirements.

The EPA received petitions requesting an exemption from title V of the CAA from American Samoa on November 18, 1994, from CNMI on July 14, 1994, and Guam on November 21, 1994. This document describes the petition submitted by each agency, EPA's analysis, and EPA's proposed action on each petition. The EPA is proposing to grant conditional waivers from the requirement that American Samoa and CNMI adopt and submit title V operating permit programs. The EPA proposes to require the implementation of alternative programs to protect local air quality as a condition of these waivers. The EPA is proposing to grant Guam a three-year extension of the deadlines in title V. The EPA is also proposing to exempt sources from the requirement to obtain a federal title V permit during the period of the waivers, except for certain major sources of hazardous air pollutants. While this proposal addresses all three petitions, EPA's action is based on a separate evaluation of each petition.

**DATES:** Comments on these proposed actions must be received in writing by October 13, 1995.

**ADDRESSES:** Comments should be addressed to Norm Lovelace at the address indicated. Copies of the petitions and other supporting information, including air quality modeling, used in developing the proposed interim approval are available for inspection during normal business hours at the following location: Office of Pacific Islands and Native American Programs, US EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105.

**FOR FURTHER INFORMATION CONTACT:** Norm Lovelace (telephone 415/744-1599, fax 415/744-1604), Chief, Office of Pacific Islands and Native American Programs, or Ed Pike (telephone 415/744-1248), Operating Permits Section, Air and Toxics Division, at US EPA-Region IX, 75 Hawthorne Street, San Francisco, California 94105. Comments should be addressed to Norm Lovelace, mailcode E-4.