

to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on August 13, 1997.

**Larry M. Kelly,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

[FR Doc. 97-22045 Filed 8-19-97; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 111

[Docket No. 95N-0304]

RIN 0901-AA59

#### Dietary Supplements Containing Ephedrine Alkaloids; Notification of Intent to Reopen Comment Period

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that it will reopen the comment period for the proposed rule on dietary supplements containing ephedrine alkaloids that appeared in the **Federal Register** of June 4, 1997 (62 FR 30678). The agency intends to take this action because FDA has identified a number of inadvertent omissions in the administrative record. After the agency rectifies these omissions, it will announce in the **Federal Register** the reopening of the comment period for 75 days.

**FOR FURTHER INFORMATION CONTACT:** Margaret C. Binzer, Center for Food Safety and Applied Nutrition (HFS-456), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-401-9859, FAX 202-260-8957, or E-mail M.Binzer@Bangate.fda.gov.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of June 4, 1997, FDA published a proposed rule regarding the formulation and labeling of dietary supplements containing ephedrine alkaloids. FDA proposed this rule in response to reports of serious illnesses and injuries, including multiple deaths, associated with the use of dietary supplement products that contain ephedrine alkaloids and the agency's investigations and analyses of these reports of illnesses and injuries. Interested persons were given until August 18, 1997, to comment on the proposal.

It has come to FDA's attention that there are omissions in the

administrative record. The agency has identified a number of missing pages in some documents that were placed in the administrative record and other minor problems. FDA will rectify these omissions and problems and make the corrected administrative record available with ample time for interested persons to review the record and prepare comments. Thus, the agency will correct the administrative record and will provide a new 75-day period for comment.

Dated: August 15, 1997.

**William K. Hubbard,**

*Associate Commissioner for Policy  
Coordination, FDA.*

[FR Doc. 97-22127 Filed 8-15-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[SC 30-1-9645b; FRL-5876-9]

#### Approval and Promulgation of State Implementation Plan, South Carolina: Listing of Exempt Volatile Organic Compounds

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

**ACTION:** Proposed rule.

**SUMMARY:** On May 6, 1996, the South Carolina Department of Health and Environmental Control submitted revisions to the South Carolina State Implementation Plan (SIP) involving the addition of Supplement C to the air quality modeling guidelines located in 61-62.5 Standard 7, Prevention of Significant Deterioration. In the final rules section of this **Federal Register**, the EPA is approving the SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** To be considered, comments must be received by September 19, 1997.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Randy Terry at the EPA Region 4 Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

South Carolina Department of Health and Environmental Control, 600 Bull Street, Columbia, South Carolina 29201-1708.

**FOR FURTHER INFORMATION CONTACT:** Mr. Randy Terry, Regulatory Planning Section, Air Planning Branch, Air, Pesticides, and Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, Atlanta, Georgia 30303. The telephone number is 404/562-9032.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: May 22, 1997.

**R. F. McGhee,**

*Acting Regional Administrator.*

[FR Doc. 97-21918 Filed 8-19-97; 8:45 am]

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## DEPARTMENT OF DEFENSE

### 48 CFR Parts 213, 214, 215, and 242

[DEARS Case 95-D715]

#### Defense Federal Acquisition Regulation Supplement; Past Performance

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The Department of Defense (DoD) has decided to withdraw a proposed rule published at 60 FR 57691, November 17, 1995. The rule proposed amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 1091 of the Federal Acquisition Streamlining

Act of 1994 (Pub. L. 103-355) and Office of Federal Procurement Policy Letter 92-5, Past Performance Information. Subsequent to publication of the proposed rule, numerous policy issues relating to the collection and appropriate use of past performance information were identified. The DoD Past Performance Integrated Process Action Team (IPT) is currently determining the appropriate resolution to these issues. Therefore, DFARS Case 95-D715 is closed and the proposed rule is withdrawn. A new DFARS case will be opened after the DoD Past Performance IPT develops its recommendations.

**FOR FURTHER INFORMATION CONTACT:** Defense Acquisition Regulations Council, Attn: Ms. Melissa Rider, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350.

**Michele P. Peterson,**  
*Executive Editor, Defense Acquisition Regulations Council.*  
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## DEPARTMENT OF DEFENSE

### 48 CFR Part 231

[DFARS Case 96-D303]

#### Defense Federal Acquisition Regulation Supplement; Cost Reimbursement Rules for Indirect Costs—Private Sector

**AGENCY:** Department of Defense (DoD).  
**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to provide additional guidance on defense capability preservation agreements.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before October 20, 1997, to be considered in the formulation of the final rule.

**ADDRESSES:** Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 96-D303 in all correspondence related to this issue.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandra G. Haberlin, (703) 602-0131.

## SUPPLEMENTARY INFORMATION:

### A. Background

Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) permits DoD to enter into a defense capability preservation agreement with a defense contractor where it would facilitate the achievement of the policy objectives set forth in 10 U.S.C. 2501(b). Such an agreement would permit the contractor to claim certain indirect costs, attributable to its private sector work, on its defense contracts. To implement Section 808, an interim rule was published in the **Federal Register** on May 13, 1996 (61 FR 21973), that added DFARS subsection 231.205-71, Defense capability preservation agreements.

This proposed rule revises subsection 231.205-71 to add additional guidance for evaluating requests for defense capability preservation agreements, and to add cost reimbursement rules to apply if DoD enters into such an agreement with a contractor. Specifically, this rule differs from the interim rule by (1) redesignating paragraph (b) as paragraph (e); (2) adding paragraphs (b) Definition, (c) Purpose and guidelines, and (d) Cost-reimbursement rules; and (3) making editorial changes. Due to the differences between the two rules, a proposed rule is being promulgated to obtain further public comment prior to finalizing the rule.

Public comments on the interim rule were received from three sources. All comments were considered in the development of this proposed rule.

### B. Regulatory Flexibility Act

This proposed rule is not expected 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 most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive, fixed-price basis, and do not require application of the cost principle contained in this rule. An initial regulatory flexibility analysis has, therefore, not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 96-D303 in correspondence.

### C. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*) applies because the proposed rule contains information collection requirements. The Office of Management and Budget (OMB) has approved an information collection concerning defense capability preservation agreements through July 31, 1999, under OMB Control Number 0704-0387, based on the requirements in the interim rule. However, the actual number of respondents requesting defense capability preservation agreements since publication of the interim rule on May 13, 1996, is lower than previously estimated. Accordingly, the estimate of the annual number of respondents is decreased from 50 to 10, and the estimated annual information collection burden is decreased from 4000 to 800 hours.

#### List of Subjects in 48 CFR Part 231

Government procurement.

**Michele P. Peterson,**  
*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, it is proposed that 48 CFR Part 231 be amended as follows:

1. The authority citation for 48 CFR Part 231 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

#### PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 231.205-71 is revised to read as follows:

##### 231.205-71 Defense capability preservation agreements.

(a) *Scope and authority.* Where it would facilitate the achievement of the policy objectives set forth in 10 U.S.C. 2501(b), DoD may enter into a defense capability preservation agreement with a contractor. As authorized by Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106), such an agreement would permit the contractor to claim certain indirect costs attributable to its private sector work as allowable costs on its defense contracts.

(b) *Definition.* "Incremental indirect cost," as used in this subsection, means an additional indirect cost that results from performing private sector work described in a defense capability preservation agreement.

(c) *Purpose and guidelines.* The purpose of a defense capability preservation agreement is to broaden and strengthen the industrial base by providing an incentive for a company to obtain new private sector work, thereby reducing DoD's cost of doing business.