

4. Additionally, we propose to permit private coast stations currently authorized to operate on Channel 11 within the proposed Prince William Sound VTS area to continue operation until the end of their current license terms on a noninterference basis. The staff will help affected licensees find suitable alternative channels. No fee will be charged for affected stations that apply for modification for an alternative channel before their next renewals.

5. We certify that the Regulatory Flexibility Act of 1980 does not apply to this rule making proceeding because if the proposed rule amendments are promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. The change proposed herein will have a beneficial effect on the marine community by allowing the Coast Guard to manage vessel traffic in the Prince William Sound area in a more efficient manner. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act. Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601-612 (1980).

List of Subjects in 47 CFR Part 80

Communications equipment, Marine Safety.

Federal Communication Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-646 Filed 1-10-95; 8:45 am]

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DEPARTMENT OF ENERGY

48 CFR Parts 923 and 970

RIN 1991-AB05

Acquisition Regulation; Acquisition and Use of Environmentally Preferable Products and Services

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy (DOE) proposes to amend the Department of Energy Acquisition Regulation (DEAR) to provide for the acquisition and use of environmentally preferable products and services.

DATES: Written comments must be received on or before March 13, 1995.

ADDRESSES: Comments on the proposed rule should be addressed to the U.S. Department of Energy, Procurement

Policy Division (HR-521.1), Attention: P. Devers Weaver, 1000 Independence Avenue SW., Washington, D.C. 20585. **FOR FURTHER INFORMATION CONTACT:** P. Devers Weaver, Procurement Policy Division (HR-521.1), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585; telephone 202-586-8250.

SUPPLEMENTARY INFORMATION:

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I. Background

Section 6002 of the Resource Conservation and Recovery Act (RCRA) of 1976, Public Law 89-272, 42 U.S.C. 6962, requires procuring agencies to establish a preference for the acquisition of products made with recovered materials. The Environmental Protection Agency (EPA) has promulgated guidelines to implement section 6002 of RCRA. These guidelines, for products that are designated "environmentally preferable," including retread tires, re-refined lubricating oil, and recycled paper, are set forth at Title 40 of the Code of Federal Regulations, Parts 247 through 253. Also, Executive Order 12873 of October 20, 1993, Federal Acquisition, Recycling, and Waste Prevention, requires management and operating contractors in their contracting practices to comply with RCRA requirements that are applicable to Federal agencies. Implementing RCRA, the Office of Federal Procurement Policy on November 2, 1992, issued its Policy Letter No. 92-4, Procurement of Environmentally-Sound and Energy Efficient Products.

RCRA requires all Federal agencies to develop "affirmative procurement programs" (APPs) to assure the purchase of materials covered by the EPA guidelines. DOE issued its APP in May 1994 in the document "Affirmative Procurement Program For Products Containing Recovered Materials," providing DOE guidance for compliance with RCRA and the Executive Order.

The Department proposes to amend the DEAR to provide a contract clause, Acquisition and Use of Environmentally Preferable Products and Services. The

clause is to be incorporated in DOE management and operating contracts, to promote the acquisition and use of environmentally preferable products and services, in accordance with specified Department of Energy and other Federal policies.

II. Section-by-Section Analysis

1. Section 923.471 describes DOE policy to acquire items composed of the highest percentage of recovered/recycled materials without adversely affecting performance requirements.

2. To subpart 970.23, section 970.2304 is added.

Section 970.2304-1 extends the requirements at subpart 923.4 on the acquisition and use of environmentally preferable products and services to management and operating contracts.

3. Sections 970.5204-YY and 970.2304-2 provide a clause and a requirement for the use of the clause, Acquisition and Use of Environmentally Preferable Products and Services. The clause provides for compliance with Executive Order 12873, certain RCRA and EPA requirements, and certain DOE requirements involving the acquisition and use of environmentally preferable products and services. Paragraph (a)(4) of the clause at 970.5204-YY refers to an "Affirmative Procurement Program" guidance document. A copy of this guidance document is available, without charge, upon informal written request to: Director, Waste Minimization Division (EM-334), U.S. Department of Energy, Washington, DC 20585-0002. (Please do not use telephone or fax to request the document.)

III. Public Comments

DOE invites interested persons to participate by submitting data, views, or arguments with respect to the proposed DEAR amendments set forth in this rule. Three copies of written comments should be submitted to the address indicated in the ADDRESSES section of this rule. All comments received will be available for public inspection during normal work hours. All written comments received by the date indicated in the DATES section of this notice will be carefully assessed and fully considered prior to the effective date of these amendments as a final rule. Any information considered to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information and to treat it according to its determination in accordance with 10 CFR 1004.11.