

periods set forth in § 76.922(d)(3)(i) and (iii).

(f) Cable television system regulatory fees assessed by the Commission pursuant to 47 U.S.C. 159 shall be recovered in monthly installments during the fiscal year following the fiscal year for which the payment was imposed. Payments shall be collected in equal monthly installments, except that for so many months as may be necessary to avoid fractional payments, an additional \$.01 payment per month may be collected. All such additional payments shall be collected in the last month or months of the fiscal year, so that once collections of such payments begin there shall be no month remaining in the year in which the operator is not entitled to such an additional payment. Operators may not assess interest. Operators may provide notice of the entire fiscal year's regulatory fee pass-through in a single notice.

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DEPARTMENT OF DEFENSE

48 CFR Parts 216, 242, and 252

Defense Federal Acquisition Regulation Supplement; Predetermined Indirect Cost Rates

AGENCY: Department of Defense (DoD).
ACTION: Final rule.

SUMMARY: The Department of Defense is revising the Defense FAR Supplement to implement revisions to OMB Circular A-21 (58 FR 39996) that permit predetermined indirect cost rates for educational institutions to be applicable for a period of up to four years.

EFFECTIVE DATE: October 18, 1994.

FOR FURTHER INFORMATION CONTACT: Mrs. Linda W. Neilson, (703) 604-5929.

SUPPLEMENTARY INFORMATION:

A. Background

On July 26, 1993, the Office of Management and Budget published revisions to OMB Circular A-21 (58 FR 39996) which include an increase in the period of time for which predetermined indirect cost rates for educational institutions may be applicable. Pending revision of the Federal Acquisition Regulation to conform the language to the revised OMB Circular, the Defense FAR Supplement is amended to permit use of predetermined indirect cost rates for educational institutions for periods of up to four years.

The Director, Defense Procurement, issued this final DFARS rule by Departmental Letter 94-018, October 18,

1994, to expedite DoD implementation of this revision.

B. Regulatory Flexibility Act

DoD certifies that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act because the rule merely implements OMB Circular A-21 as it relates to predetermined indirect cost rates for educational institutions.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose any new recordkeeping, information collection requirements, or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 216, 242, and 252

Government procurement.
Claudia L. Naugle,
Deputy Director, Defense Acquisition Regulations Council.

Therefore, 48 CFR parts 216, 242 and 252 are amended as follows:

PARTS 216, 242, and 252—[AMENDED]

1. The authority for Parts 216, 242, and 252 continues to read as follows:

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

2. Section 216.307 is added to read as follows:

216.307 Contract clauses.

(i) Use the clause at FAR 52.216-15, Predetermined Indirect Cost Rates, with 252.216-7002, Alternate A, in solicitations and contracts when a cost-reimbursement research and development contract with an educational institution (see FAR 42.705-3(b)) is contemplated and predetermined indirect cost rates are to be used.

3. Section 242.705-3, Educational institutions is added to read as follows:

242.705-3 Educational institutions.

(b) *Predetermined final indirect cost rates.*

(4)(i) Predetermined indirect cost rate proposals may cover a period of two to four years when the cognizant Contracting Officer determines that the educational institution's cost experience and other pertinent facts available are sufficient to enable the parties to reach an informed judgment on the probable levels of indirect costs and allocation base costs for the applicable future accounting periods. Predetermined rates

covering two to four year periods are expected to be the norm in those situations.

(6) Predetermined indirect cost rates may be established to cover up to four years.

4. Section 252.216-7002 is added to read as follows:

252.216-7002 Alternate.

Alternate A (Oct 1994)

As prescribed in 216.307(i), substitute the following paragraphs (b) and (g) for paragraphs (b) and (g) of the clause at FAR 52.216-15, Predetermined Indirect Cost Rates:

(b) Not later than 90 days after the expiration of the Contractor's fiscal year (or other period specified in the Schedule), the Contractor shall submit to the cognizant Contracting Officer under subpart 42.7 of the Federal Acquisition Regulation (FAR) and, if required by agency procedures, to the cognizant Government audit activity, proposed predetermined indirect cost rates and supporting cost data. The proposed rate shall be based on the Contractor's actual cost experience during that fiscal year (or other period specified in the Schedule). Negotiations of predetermined indirect cost rates shall begin as soon as practical after receipt of the contractor's proposal.

(g) Allowable indirect costs for the period from the beginning of performance until the end of the Contractor's fiscal year (or other period specified in the Schedule) shall be obtained using the predetermined indirect cost rates and the bases shown in the Schedule.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. HM-181G; Notice No. 94-10]

RIN 2137-AC36

Infectious Substances; Confirmation of Effective Date and Compliance Dates

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

ACTION: Final rule; confirmation of effective date and compliance dates.

SUMMARY: On September 22, 1994, RSPA published a final rule to extend the compliance dates for classification, hazard communication, and packaging requirements of the Hazardous Materials Regulations applicable to infectious substances, including regulated medical waste. The effective date of the rule was September 22, 1994, unless RSPA received, by September 30, 1994, any

comments illustrating that an extension of the compliance dates is not in the public interest. RSPA received two comments opposing the extension, but containing no specific information to support that an extension of the compliance dates is not in the public interest. Therefore, this document confirms that the compliance dates are extended as set forth in the September 22, 1994 final rule, and the effective date of that final rule is September 22, 1994.

EFFECTIVE DATE: September 22, 1994.

FOR FURTHER INFORMATION CONTACT: Eileen Martin or Jennifer Antonelli, Office of Hazardous Materials Standards, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590-0001, telephone: (202) 366-8553.

SUPPLEMENTARY INFORMATION: On September 22, 1994, RSPA issued a final rule under Docket HM-181G (59 FR 48762) to extend the compliance dates for classification, hazard communication, and packaging requirements for infectious substances, including regulated medical waste (RMW). In the final rule, RSPA amended 49 CFR 171.14(b) to extend the compliance date from October 1, 1994, to October 1, 1995, for regulatory requirements applicable to RMW and materials infectious to animals only. This extension was provided to allow RSPA sufficient time to publish a Notice of Proposed Rulemaking (NPRM), evaluate comments received in response to the NPRM, and make any necessary changes to the HMR based on the merits of those comments. RSPA stated that, without an extension of the compliance date, shippers and transporters of these materials would have to comply with regulations that are likely to be changed in the near future and thereby incur unnecessary costs. For other infectious substances, i.e., for cultures and stocks of substances infectious to humans, the September 22, 1994 final rule extended the compliance date from October 1, 1994, to January 1, 1995. The requirements for these materials generally have not been at issue in comments or petitions filed with RSPA. The principal impacts of the January 1, 1995 compliance date will be a nomenclature change from the old "etiologic agent" hazard class to the new "Division 6.2" classification, elimination of the 50 milliliter exception for cultures and stocks of infectious substances, and expansion of the definition of infectious substances to cover substances, such as the human immunodeficiency virus (HIV) and Lyme disease, which are not listed in

the Centers for Disease Control regulations (42 CFR 72.3).

In the preamble of the September 22, 1994 rule, RSPA stated that the compliance dates would be extended unless RSPA received comments by September 30, 1994, that illustrated that an extension of the compliance dates would not be in the public interest. RSPA received two comments opposed to and one comment in support of extending the compliance date for provisions applicable to RMW. The comment advocating the extension was submitted by the American Hospital Association (AHA). The AHA fully supported RSPA's decision to extend the compliance date for RMW and encouraged continued coordination with other Federal agencies involved in the regulation of infectious substances. The comments opposing the extension were submitted by a manufacturer of an exemption packaging used for transporting RMW and one of its customers, a waste transporter. Both commenters requested that the requirements for RMW be implemented without further delay. The manufacturer stated that it has spent in excess of \$2 million developing its packaging, and that large transporters of RMW have "done little or nothing to help toward the safety of RMW transportation." The waste transporter stated that, by using the manufacturer's exemption packaging, it has an edge over many of the large transporters that are not and possibly may elect not to comply with the new requirements. The waste transporter stated that Federal regulations are necessary if safeguards are to be put in place for the safety and health of the public. Neither commenter provided any specific data or information suggesting that RMW is being transported unsafely, nor did they demonstrate that the extension would jeopardize safety or be contrary to the public interest. Based on these comments, and on the lack of any evidence indicating that a limited extension would adversely affect public health and safety, RSPA has determined that it is appropriate to extend the compliance dates. Therefore, RSPA is confirming the compliance dates set forth in the September 22, 1994 final rule.

Issued in Washington, DC on October 14, 1994, under authority delegated in 49 CFR part 106, appendix A.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 931235-4107; I.D. 101394B]

Pacific Halibut Fisheries

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

ACTION: Notice of inseason action.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes this inseason action pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. This action is intended to enhance the conservation of Pacific halibut stocks in order to help sustain them at an adequate level in the northern Pacific Ocean and Bering Sea.

EFFECTIVE DATE: September 30, 1994, through December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Steven Pennoyer, 907-586-7221, William W. Stelle, Jr., 206-526-6140; or Donald McCaughan, 206-634-1838.

SUPPLEMENTARY INFORMATION: The IPHC, under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario, on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979), has issued this inseason action pursuant to IPHC regulations governing the Pacific halibut fishery. The regulations have been approved by the Secretary of State (59 FR 22522, May 2, 1994). On behalf of the IPHC, this inseason action is published in the *Federal Register* to provide additional notification of its effectiveness, and to inform persons subject to the inseason action of the restrictions and requirements established therein.

Inseason Action

1994 Halibut Landing Report No. 17

California and Oregon Sport Fisheries Close

The 1994 Oregon sport halibut fishery inside the 30-fathom curve nearest to the coastline between Cape Falcon (lat. 45°46'00" N.) and the California border (lat. 42°00'00" N.) closed, as scheduled, on September 30, 1994. Preliminary catch estimates indicate the season harvest will be within a few hundred