

**Report and Order (Proceeding Terminated)**

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations, (Myrtle Beach, South Carolina); MM Docket No. 84-1044, RM-4820.

Adopted: April 10, 1985.

Released: April 17, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 49 FR 46447, published November 26, 1984, requesting comments on the assignment of UHF TV Channel 32 to Myrtle Beach, South Carolina, at the request of Moore Broadcast Industries, Inc. ("petitioner"). The assignment could provide Myrtle Beach with its second local television service. Channel 32 can be assigned in compliance with the Commission's minimum distance separation requirements, with a site restriction of 14.8 miles southwest of Myrtle Beach to avoid a short-spacing to Station WUNJ-TV, Wilmington, North Carolina, and to unused Channel \*32 at High Point, North Carolina.

2. Petitioner filed comments reiterating its intention to apply for the channel. Comments were also filed by Carolina Christian Broadcasting, Inc. ("Carolina Christian"), licensee of Station WGSE-TV, Channel 43, Myrtle Beach, Carolina Christian does not oppose the assignment but filed comments solely to clarify statements made by the petitioner as to the amount of local news broadcast by Station WGSE-TV.

3. We believe the public interest would be served by assigning Channel 32 to Myrtle Beach as its second local service. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective May 24, 1985, the Television Table of Assignments § 73.606(b) of the Rules, is amended with respect to the community listed below, to read as follows:

City	Channel No.
Myrtle Beach, South Carolina	32, 43+

4. It is further ordered, that this proceeding is terminated.

5. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 9858 Filed 4-23-85; 8:45 am]

BILLING CODE 6712-01-M

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**INTERNATIONAL DEVELOPMENT COOPERATION AGENCY**
**Agency for International Development**
**48 CFR Parts 702 and 750**

(AIDAR Notice 85-4)

**Acquisition Regulations; Miscellaneous Amendments**

**AGENCY:** Agency for International Development, IDCA.

**ACTION:** Final rule.

**SUMMARY:** The AID Acquisition Regulation (AIDAR) is being amended to reflect the latest redelegations of contracting authority within AID.

**EFFECTIVE DATE:** June 1, 1985.

**FOR FURTHER INFORMATION CONTACT:** M/SER/CM/SOD/FSR, Mrs. Elizabeth Cordaro, Telephone (703) 235-9855.

**SUPPLEMENTARY INFORMATION:** The definitions of AID contracting activities, and head of the contracting activity; and the section dealing with approving authorities for extraordinary contractual actions, are being revised to reflect the most current redelegations of contracting authority within AID.

None of the changes being made by this AIDAR Notice will have any significant impact on AID contractors or the general public. Therefore, the changes are not considered "significant" under OFPP Policy Letter 83-2, or FAR 1.303(b) or 1.501, and public comments have not been solicited.

This AIDAR Notice is not a major rule and is exempt from Sections 3 and 4 of E.O. 12291 by OMB Bulletin No. 85-7, December 14, 1983.

As required by the Regulatory Flexibility Act, it is hereby certified that AIDAR Notice 85-4 will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 48 CFR Parts 702 and 750**

Government procurement.

**PART 702—DEFINITIONS OF WORDS AND TERMS**

1. Section 702.170-3 is revised to read as follows:

**702.170-3 Contracting activities.**

The contracting activities within AID are:

(a) *The AID/Washington activities.* The contracting activities located in Washington are the Office of Contract Management, Office of Management Operations, Office of Commodity Management, Office of Foreign Disaster Assistance, and Office of International Training. Subject to the limitations stated in 702.170-10, these contracting activities are responsible for procurement related to programs and activities for their areas. The Office of Contract Management is responsible for procurements which do not fall within the responsibility of other contracting activities, or which are otherwise assigned to it.

(b) *The overseas field contracting activities.* Each AID Mission overseas is a contracting activity, responsible for procurement related to their programs and activities, subject to the limitations in 702.170-10. Contracting authority for Mission Directors is set forth in 702.170-10. Specified individuals in the fields may be redelegated contracting authority by the Procurement Executive or his/her designee.

2. Section 702.170-10 is revised to read as follows:

**702.170-10 Head of the contracting activity.**

The heads of the contracting activities within AID are:

(a) *AID/Washington.*

Position	Limitation
Director, Office of Contract Management.	None.
Director, Office of Management Operations.	Use of small purchase procedures (\$25,000) for services and supplies funded by operating expense money. Unlimited authority when ordering against GSA or other established U.S. Government ordering agreements.
Director, Office of Commodity Management.	Use of small purchase procedures (\$25,000) for services and supplies for the excess property program. Unlimited when ordering against GSA or other established U.S. Government ordering agreements for excess property-related procurements.
Director, Office of Foreign Disaster Assistance.	Contracts for disaster relief purposes during the first 72 hours of a disaster in a total amount not to exceed \$500,000 (AID Handbook 8, Chapter 5). Routine small purchase authority (\$25,000).
Director, Office of International Training.	Use of small purchase procedures up to \$10,000. Unlimited for procuring participant training based on published catalog prices, using M/SER/CM approved forms.

Each of these Office Directors will issue warrants to qualified individuals to actually exercise the authority.

(b) *Overseas.*

Position	Limitation
Each Mission Director.	Each Mission Director has the authority to execute contracts and amendments thereto up to \$100,000 in the aggregate. For personal services contracts, the limit is \$250,000. The Mission Director may issue a warrant for small purchase authority (\$25,000) directly to individuals on his/her staff.

### PART 750—EXTRAORDINARY CONTRACTUAL ACTIONS

3. Section 750.7105 is revised to read as follows:

#### 750.7105 Approving authorities.

All authority to approve actions under this subpart has been delegated to the Procurement Executive.

This AIDAR Notice is issued under the authority of Sec. 621, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, September 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Dated: April 17, 1985.

Paul Spishak,

*Acting AID Procurement Executive.*

[FR Doc. 85-9701 Filed 4-23-85; 8:45 am]

BILLING CODE 6116-01-M

### 48 CFR Parts 702, 705, 706, 714, 715, 750, and 752

[AIDAR Notice 85-5]

#### Acquisition Regulation Concerning Competition in Contracting and Miscellaneous Amendments

**AGENCY:** Agency for International Development, IDCA.

**ACTION:** Interim rule and request for comment.

**SUMMARY:** The AID Acquisition Regulation (AIDAR) is being amended to implement The Competition in Contracting Act of 1984 (CICA) in compliance with the requirements of the Federal Acquisition Regulations (FAR).

**DATES:** *Effective Date:* April 1, 1985.

*Comment Date:* Comments must be received on or before May 24, 1985. Please cite AIDAR Notice 85-5 in all correspondence.

**ADDRESS:** Interested parties should submit comments to: Agency for International Development, ATTN: M/SER/CM/SD/POL, Washington, D.C. 20523.

**FOR FURTHER INFORMATION CONTACT:** M/SER/CM/SD/POL, Mr James M. Kelly, Telephone (703) 235-9107.

**SUPPLEMENTARY INFORMATION:** This AIDAR Notice amends the AIDAR to conform the regulation to the requirements of the CICA, and the FAR

implementation of the CICA (FAR Circular 84-5, 50 FR 1726, January 11, 1985). This AIDAR Notice is effective for all solicitations issued on or after April 1, 1985.

Subpart 715.6, Source Selection, has been revised to conform the section and paragraph numbering system with recent OFPP suggestions and to change the contracting officer's "concurrence" to "approval" in the determinations required by the educational institutions and international research center and the collaborative assistance selection procedures.

This AIDAR Notice implements the CICA and FAR Circular 84-5 with no deviations from the requirements of either document, and without significant supplementation.

This AIDAR Notice, which is not a major rule, was submitted to OMB for E.O. 12291 review as required by OMB Bulletin No. 85-7, dated December 14, 1984.

As required by the Regulatory Flexibility Act, it is hereby certified that AIDAR Notice 85-4 will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 48 CFR 702, 705, 706, 714, 715, 750, 752, and Appendices**  
Government procurement.

#### PART 702—DEFINITIONS OF WORDS AND TERMS

702.170-14 and 702.170-15 [Redesignated as 702.170-15 and 702.170-16]

1. Subsections 702.170-14 and 702.170-15 are redesignated as 702.170-15 and 702.170-16, respectively, and a new 702.170-14 is added as follows:

##### 702.170-14 Senior Procurement Executive.

"Senior Procurement Executive" is synonymous with the term "Procurement Executive", as defined in 702.170-13 of this subpart.

#### PART 705—PUBLICIZING CONTRACT ACTIONS

705.001 [Redesignated as 705.002]

2. Part 705 is amended by redesignating section 705.001 as 705.002.

3. A new Part 706 is added as follows:

#### PART 706—COMPETITION REQUIREMENTS

##### Subpart 706.1—Full and Open Competition

Sec.  
706.101-70 Policy.

##### Subpart 706.2—Full and Open Competition After the Exclusion of Sources

706.201-70 Policy.

##### Subpart 706.3—Other than Full and Open Competition

706.303-1 Requirements.

Authority: Sec. 621, Pub. L. 87-195, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

##### Subpart 706.1—Full and Open Competition

##### 706.101-70 Policy.

The selection procedures in 715.613-70 and 715.613-71 of this chapter meet the requirement for full and open competition when the determinations required by 715.613-70(c) and 715.613-71(b)(1)(ii) are properly made. No other justifications or approvals are required.

##### Subpart 706.2—Full and Open Competition After the Exclusion of Sources

##### 706.201-70 Policy.

Since procurements by Missions overseas are generally exempt from synopsis in the CBD by FAR 5.201(b), the requirement for full and open competition is met for such procurements when the competitive procedures prescribed in FAR 6.102 are used for those procurements where it is not practical to synopsise in the CBD, and the contracting officer follows the optional publicizing methods authorized by both FAR 5.101(a)(2) and FAR 5.101(b), as appropriate. No other justifications or approvals are required.

##### Subpart 706.3—Other Than Full and Open Competition

##### 706.303-1 Requirements.

(a)-(c) [Reserved]

(d) AID project procurements are generally not subject to the Trade Agreements Acts of 1979 (see 725.403 of this chapter). To the extent procurements are made under the authority of FAR 6.302-3(a)(2)(i) or FAR 6.302-7 with Operating Expenses (OE) Funds, the Contracting Officer shall send a copy of the justification to the Office of the United States Trade Representative, 600 17th Street, NW., Washington, D.C. 20506, ATTN: Director, International Procurement Policy.

4. Part 714 is amended by revising the part title as follows:

##### PART 714—SEALED BIDDING

##### PART 715—CONTRACTING BY NEGOTIATION

5. The authority citation for Part 715 is revised to read as follows:

Authority: Sec. 621, Pub. L. 87-195, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

**Subpart 715.2—Negotiation Authorities [Removed]**

6. Subpart 715.2 is removed.

**715.507 [Removed]**

7. Subpart 715.5 is amended by removing section 715.507.

8. Section 715.608, Proposal evaluation, is amended by redesignating it as subsection 715.608-70, and by amending paragraph (b)(1)(iii), as follows:

**715.608-70 Proposal evaluation.**

(b) \* \* \*

(1) \* \* \*

(iii) The contracting officer is responsible for reviewing the written evaluation results to determine that they are adequate and complete.

**715.613, 715.613-70, 715.613-70-1, 715.613-70-2, 715.613-70-3, 715.613-70-4, 715.613-71, 715.613-71-1, 715.613-71-2, 715.613-71-3, 715.613-71-4, 715.613-71-5 [Removed]**

9. Sections 715.613, 715.613-70, 715.613-70-1, 715.613-70-2, 715.613-70-3, 715.613-70-4, 715.613-70-71, 715.613-71-1, 715.613-71-2, 715.613-71-3, 715.613-71-4, and 715.613-71-5 are removed.

10. Sections 715.613, 715.613-70 and 715.613-71 are added to read as follows:

**715.613 Alternative source selection procedures.**

**715.613-70 Educational institution and international research center selection procedure.**

(a) *Scope of subsection.* This subsection prescribes policies and procedures for the selection of contractors to perform projects which have been determined to require the services of an educational institution or international research center (see paragraphs (b) and (c) of this subsection).

(b) *Definitions.* (1) An educational institution, as used in this subsection, is any non-profit corporation, foundation, trust, or state or local governmental entity operated primarily as an institution of higher learning offering a course of general studies leading to the granting of academic degrees. Consortia whose membership consists exclusively of educational institutions, as defined above, are considered to be educational institutions.

(2) An international research center is an organization formally recognized and listed as such by the Assistant Administrator, Bureau for Science and Technology.

(c) *Applicability.* The provisions of this subsection are applicable when it has been determined by the project office, with the approval of the contracting officer, that the required skills or institutional relationships are available only from educational institutions or international research centers. This subsection is not applicable to contracts for collaborative assistance (see 715.613-71 of this subpart), or for architect-engineer services (see AIDAR 736.6 and FAR 36.6).

(d) *Solicitation, evaluation, and selection procedures.* (1) A sufficient number of sources shall be solicited to ensure that competition is obtained to the maximum practicable extent; this requirement shall be deemed satisfied when a contractor is selected under the procedures of this subsection.

(2) Following the approval of the contracting officer in the decision that the required services are available only from an educational institution or international research center (see paragraph (c) of this section), the project office shall:

(i) Prepare selection criteria for evaluation of potential contractors for use in preparing the source list, determining predominantly qualified sources, and selecting the contractor;

(ii) Prepare an initial source list of institutions considered qualified to perform the proposed project;

(iii) Provide a statement providing a description of qualifications and areas of expertise considered essential, a statement of work, estimate of personnel requirements, special requirements (logistic support, government furnished property, and so forth) for the contracting officer's use in preparing the request for technical proposal (RFTP).

(iv) Send a memorandum incorporating paragraphs (d)(2) (i) through (iii) of this section, together with the "Action" copy of the PIO/T to the contracting officer, requesting him/her to prepare and distribute the RFTP from the source list provided.

(3) Upon receipt and acceptance of the project officer's request, the contracting officer shall prepare the RFTP. The RFTP shall contain sufficient information to enable an offeror to submit a responsive and complete technical proposal; this includes a definitive statement of work, an estimate of the personnel required, and special provisions (such as logistic support, government furnished

equipment, and so forth), a proposed contract format, and evaluation criteria. No cost or pricing data will be requested or required by the RFTP. The RFTP will be distributed to the sources recommended by the project office, and to others, if appropriate. The RFTP will normally allow a minimum of 60 days for preparation and submission of a proposal.

(4) Upon receipt of responses to the RFTP by the contracting officer, an evaluation committee will be established as provided for in 715.608-70(a) of this subpart.

(5) The evaluation committee will evaluate all proposals in accordance with the criteria set forth in the RFTP, and will prepare a selection memorandum which shall:

(i) State the evaluation criteria;  
(ii) List all of the institutions whose proposals were reviewed;  
(iii) Report on the ranking and rationale therefor for all proposals;  
(iv) Indicate the institution(s) considered best qualified.

(6) The evaluation committee will submit the selection memorandum to the contracting officer for review and approval.

(7) The contracting officer will either approve the selection memorandum, or return it to the evaluation committee for reconsideration for specified reasons.

(8) If the selection memorandum is approved, the contracting officer shall obtain cost, pricing, and other necessary data from the selected institution(s) and shall conduct negotiations with said institution(s). If a satisfactory contract cannot be obtained, the contracting officer will so advise the evaluation committee. The evaluation committee may then recommend alternate sources.

**715.613-71 Collaborative assistance selection procedure.**

(a) *Scope of section.* This subsection prescribes policies and procedures for the selection of contractors for collaborative assistance projects.

(b) *Definition.*

(1) A collaborative assistance project is any project for which it has been determined under paragraph (d) of this section that:

(i) A continuing collaborative relationship between AID, the host country, and the contractor is required from project design through completion of the project. AID, host country, and contractor participation in a continuing review and evaluation of the project is essential for its proper execution; and

(ii) The required skills or institutional relationships have been determined by the project office, with the approval of

the contracting officer to be available only from an educational institution, international research center (as defined in 714.613-70(b) of this subpart), or cooperative development organization (which are organizations recognized and listed as such by the Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance).

(2) The collaborative assistance method is fully defined and discussed in AIDAR Appendix F—Use of Collaborative Assistance Method for Aid Direct Contracts for Technical Assistance.

(c) *Applicability.* The provisions of this subsection are applicable to all contracts implementing collaborative assistance projects.

(d) *Determination.* In order to prepare a contract under the collaborative assistance method, the determinations in paragraph (b)(1) of this section must be made in accordance with the following procedures:

(1) The responsible project office makes a preliminary finding that a project should be classed as collaborative assistance in accordance with paragraphs (b)(1) (i) and (ii) of this section.

(2) Based upon this preliminary finding, the project office shall establish an evaluation panel consisting of a representative of the project office as chairman; a representative of the Bureau for Science and Technology, for projects where the services of an educational institution or international research center are deemed necessary; a representative of the Bureau for Food for Peace and Voluntary Assistance, for projects where the services of a cooperative development organization are deemed necessary; a representative of the contracting office; and any other representatives considered appropriate by the chairman.

(3) The evaluation panel will review the proposed project; based on the panel's findings, the chairman will make the formal, written determinations as to whether or not the project is collaborative assistance as required by paragraphs (b)(1) (i) and (ii) of this section.

(e) *Evaluation and selection.* (1) As sufficient number of sources will be considered to ensure that competition is obtained to the maximum practicable extent; this requirement shall be deemed satisfied when a contractor is selected under the procedures of this subsection.

(2) Following determination that a project is in fact collaborative assistance, the evaluation panel shall:

(i) Prepare evaluation and selection criteria;

(ii) Prepare an initial source list including all potential sources known to have capabilities and expertise in the areas required by the proposed project; and

(iii) Evaluate the list, using the evaluation criteria previously determined, for the purpose of making a written determination of the source (or sources) considered most capable of performing the project.

(3) The chairman of the evaluation panel will prepare a memorandum to the contracting officer setting forth:

(i) The formal determination that the project is collaborative assistance,

(ii) The evaluation criteria which have been determined, and

(iii) The recommended source list and the rationale therefor, and requesting the contracting officer to prepare a request for expressions of interest from the qualified institution (or institutions).

(4) The contracting officer will prepare a request for an expression (or expressions) of interest (REI), containing sufficient information to permit an institution to determine its interest in the project, and to discuss the project with AID representatives, if appropriate. The request for expression of interest should include a concise statement of the purpose of the project, any special conditions or qualifications considered important, a brief description of the selection procedure and evaluation criteria which will be used (if expressions of interest are being requested from more than one institution), the proposed contract format, and any other information considered appropriate. The REI will be issued to the institution or institutions recommended by the panel; it will normally allow a minimum of 60 days for submission of an expression of interest. Guidelines for preparation of expressions of interest are contained in Attachment 1 to AIDAR Appendix F.

(5) The contracting officer will transmit all expressions of interest to the evaluation panel for evaluation and selection recommendation. The panel may conduct on site evaluations at its discretion, as part of the evaluation process.

(6) The chairman of the evaluation panel will prepare a written selection recommendation with supporting justification, recommending that negotiations be conducted with the prospective contractor(s) selected by the evaluation panel. The selection recommendation shall be transmitted to the contracting officer together with the complete official file on the project which was being maintained by the evaluation panel.

(7) The contracting officer will review the selection recommendation, obtain necessary cost and other data, and proceed to negotiate with the recommended source.

#### Subpart 715.10—Preaward and Postaward Notifications, Protests, and Mistakes [Removed]

11. Subpart 715.10 is removed.

#### PART 750—EXTRAORDINARY CONTRACTUAL ACTIONS

##### 750.7107 [Amended]

12. Paragraph (a) of section 750.7107 of this part is amended by removing paragraph (a)(3), and by redesignating paragraph (a)(4) as paragraph (a)(3).

#### PART 752—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

##### 752.7020 [Amended]

13. The contract clause at section 752.7020, Organizational Conflicts of Interest, is amended by changing the clause date from "(April 1984)" to "(March 1985)"; and by removing the words "... formally advertised . . .", as they appear in paragraph (c) of the clause, and inserting in their place "... sealed bidding . . .".

#### Appendix A—Respective Roles of Contracting and Other Personnel in the AID Procurement Process

14. Appendix A of this chapter is amended by revising paragraph 2(c) as follows:

##### 2. Planning, Competition, Negotiation, and Award.

(a) . . .

(b) . . .

(c) One of the paramount duties of the contracting officer is to ensure full and open competition for any planned procurement. The procedures for procurement by sealed bid, or for procurement by negotiation, or for procurement by other than full and open competition differ; the contracting officer must determine the proper method of procurement and contract type, keeping the requirements for full and open competition in mind. The technical office has a continuing responsibility to assist the contracting officer in this effort to ensure full and open competition. This responsibility should be exercised through proper planning to allow sufficient lead time, and preparation of scopes of work designed to encourage full and open competition by avoiding specifications, descriptions, or work statements which could unnecessarily restrict competition.

### Appendix F—Use of Collaborative Assistance Method for AID-Direct Contracts for Technical Assistance

15. Paragraph 1(b) of Appendix F of this Chapter is amended to delete the words "in the AID Acquisition Regulations (Subpart 736.6)" and to substitute the words "in FAR 36.6 and AIDAR 736.6".

16. Paragraph 4(c)(4), *Monitoring, joint evaluation and replanning*, is amended to delete the word "thoroughly" in the third sentence of the second subparagraph, and to substitute the word "thoroughly".

This AIDAR Notice is issued under the authority of sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, September 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435].

Dated: April 15, 1985.

Paul Spishak,

Acting AID Procurement Executive.

[FR Doc. 85-9700 Filed 4-23-85; 8:45 am]

BILLING CODE 6116-01-M

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 107

[Docket No. HM-194; Amdt. No. 107-13]

### Designation of Testing Agencies; United Nations Packagings; Correction

**AGENCY:** Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects an error of omission found under §107.402(b)(4) of a final rule published under Docket HM-194 (50 FR 10060), which amended the Hazardous Materials Regulations (49 CFR Part 107) by establishing requirements that

designate third-party packaging testing agencies, for the purpose of certifying the conformance of United States (U.S.) export packaging designs with the United Nations (U.N.) standards. The final rule under HM-194 has an effective date of July 1, 1985.

**EFFECTIVE DATE:** July 1, 1985. However, compliance with the regulations as amended is authorized as of March 13, 1985.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Charlton, Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. (202-426-2075).

**SUPPLEMENTARY INFORMATION:** This document reestablishes § 107.402(b)(4)(iv) of Title 49 CFR, Parts 100-177, which was inadvertently omitted in Docket HM-194. Due to a typographical error, this subparagraph was not republished in the Federal Register under Docket HM-194 on March 13, 1985.

The final rule published under HM-194 amended 49 CFR Part 107 of the Hazardous Materials Regulations in order to establish requirements that designate third-party testing agencies to certify the conformance of U.S. export packagings with the U.N. standards for packagings. The requirements are voluntary for shippers and container manufacturers.

The Materials Transportation Bureau has determined that his document will not result in a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

Based on limited information available concerning size and nature of entities likely to be affected by this amendment, I certify that this amendment will not have a significant

economic impact on a substantial number of small entities because the overall economic impact of this amendment will be minimal. A regulatory evaluation and environmental assessment of the final rule are available for review in the docket. The economic impact of this document has been found to be so minimal that further evaluation is unnecessary.

#### List of Subjects in 49 CFR Part 107

Hazardous materials transportation. Administrative practice and procedure.

In consideration of the forgoing, Federal Register document (FR Docket 85-6028), published on March 13, 1985, under Docket HM-194 is hereby amended as follows:

### PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. On page 10062, at the bottom of the third column, § 107.402, paragraph (b)(4) is corrected by redesignating paragraph (iii) as paragraph (iv) and adding new paragraph (iii) to read as follows:

#### § 107.402 Application for designation as an approval or certification agency.

- \* \* \* \* \*
- (b) \* \* \*
- (4) \* \* \*
- (iii) The ability to conduct or monitor and evaluate test procedures and results; and
- (iv) The ability to review and evaluate the qualifications of materials and fabrication procedures.

\* \* \* \* \*

(49 U.S.C. 1804, 1805, 1806; (49 CFR 1.53 Appendix A to Part 1))

Issued in Washington, D.C. on April 18, 1985.

L.D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 85-9799 Filed 4-23-85; 8:45 am]

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