

**Subpart 232.2—Commercial Item Purchase Financing**

Sec.

232.202–4 Security for Government financing.

232.206 Solicitation provisions and contract clauses.

232.207 Administration and payment of commercial financing payments.

**Subpart 232.2—Commercial Item Purchase Financing****232.202–4 Security for Government financing.**

(a)(2) When determining whether an offeror's financial condition is adequate security, see 232.072–2 and 232.072–3 for guidance on evaluation of financial condition. It should be noted that an offeror's financial condition may be sufficient to make the contractor responsible for award purposes, but not be sufficient to be adequate as security for commercial contract financing.

**232.206 Solicitation provisions and contract clauses.**

(d) *Instructions for multiple appropriations.* If the contract contains Foreign Military Sales requirements, the contracting officer shall provide instructions for distribution of the contract financing payments to each country's account.

(f) *Prompt payment for commercial purchase payments.* The contracting officer shall incorporate the following standard prompt payment times for commercial item contract financing:

(i) Commercial Advance Payments: 30 days from the later of receipt by the designated billing office of a proper request for payment, or the contractor entitlement date specified in the contract;

(ii) Commercial Interim Payments: 14 days from the later of receipt by the designated billing office of a proper request for payment, or the contractor entitlement date specified in the contract. The prompt payment standards for commercial delivery payments shall be the same as specified in FAR subpart 32.9 for invoice payments for the item delivered.

(g) *Installment payment financing for commercial items.* Installment payment financing shall not be used for defense contracts, unless market research has established that this form of contract financing is both appropriate and customary in the commercial marketplace. When used, the contracting officer shall use the ceiling percentage of contract price that is customary in the particular marketplace (not to exceed the maximum ceiling rate established in the FAR (See FAR 32.206(g)(2))).

**232.207 Administration and payment of commercial financing payments.**

(b)(2) If the contract contains Foreign Military Sales requirements, each approval shall specify the amount of contract financing to be charged to each country's account.

**232.970, 232.970–1, 232.970–2 [Removed]**

5. Sections 232.970, 232.970–1, and 232.970–2 are removed.

6. Subpart 232.10 is added to read as follows:

**Subpart 232.10—Performance-Based Payments**

Sec.

§ 232.1001 Policy.

§ 232.1004 Procedure.

232.1007 Administration and payment of performance-based payments.

**Subpart 232.10—Performance-Based Payments****232.1001 Policy.**

(d) The contracting officer shall incorporate the following standard prompt payment times for performance-based payments: 14 days from the later of receipt by the designated billing office, of a proper request for payment, or the contractor entitlement date specified in the contract.

**232.1004 Procedure.**

(c) *Instructions for multiple appropriations.* If the contract contains Foreign Military Sales requirements, the contracting officer shall provide instructions for distribution of the contract financing payments to each country's account.

**232.1007 Administration and payment of performance-based payments.**

(b)(2) If the contract contains Foreign Military Sales requirements, each approval shall specify the amount of contract financing to be charged to each country's account.

[FR Doc. 96–973 Filed 1–23–96; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****49 CFR Part 225**

[FRA Docket No. RAR–4, Notice No. 12]

RIN 2130–AA58

**Railroad Accident Reporting**

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of decision not to issue a supplemental notice of proposed rulemaking.

**SUMMARY:** FRA published a notice on July 3, 1995 (60 FR 34498), which stated that a second or supplemental notice of proposed rulemaking (NPRM) would be issued for the rulemaking (59 FR 42880) to revise the railroad accident reporting regulations. The decision to issue a supplemental NPRM was made pursuant to requests advanced by some participants at a public regulatory conference held on January 30–February 2, 1995 (59 FR 66501), in Washington, D.C., during which specific topics were discussed related to the accident reporting NPRM. It was anticipated that the supplemental NPRM would address whether or not a meaningful performance standard for accident reporting could be devised for use by the railroads. It was also anticipated that the supplemental NPRM would discuss revised documentation requirements for the proposed Internal Control Plan; calculation of damage costs for rail equipment accidents and incidents for the determination of whether the threshold is met for FRA reporting purposes; and the proposed definition for the classification “worker on duty” as it pertains to “contractors” and “volunteers” performing safety-sensitive functions.

FRA has reviewed thoroughly the written comments received in response to the NPRM; the transcripts of the public hearings which were held in Washington, D.C., Kansas City, Missouri, and Portland, Oregon, in October–November, 1994; as well as the transcripts of the public regulatory conference held in Washington, D.C., in January–February, 1995. This review revealed that a supplemental NPRM is not warranted for the railroad accident reporting NPRM. In the notice issuing the final rule, FRA will deal fully with major alternative resolutions for the issues in the rulemaking explaining clearly why they are endorsed or rejected in favor of the option selected. The approach described in the final rule notice will be a logical outgrowth of the original proposal and the cooperative efforts of all parties involved in achieving solutions to the regulatory issues posited in the railroad accident reporting NPRM.

**FOR FURTHER INFORMATION CONTACT:** Marina C. Appleton, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, D.C. 20590 (telephone 202–366–0628); or Robert Finkelstein, Chief, Systems Support Division, Office of Safety Analysis, Office of Safety, FRA, 400 Seventh Street SW., Washington, D.C. 20590 (telephone 202–366–2760 or 202–501–4863).

Issued in Washington, D.C., on January 18, 1996.

Jolene M. Molitoris,  
Federal Railroad Administrator.

[FR Doc. 96-954 Filed 1-23-96; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 16

##### Review of Information Concerning Brush-Tailed Possums of the Genus *Trichosurus*

**AGENCY:** Fish and Wildlife Service,  
Interior.

**ACTION:** Notice.

**SUMMARY:** The Fish and Wildlife Service (Service) is reviewing available economic and biologic information on brush-tailed possums of the genus *Trichosurus* for possible addition to the list of injurious wildlife under the Lacey Act. Their importation and introduction into the natural ecosystem of the United States may pose a threat to agriculture, the health and welfare of human beings, and the welfare and survival of native wildlife species. Listing *Trichosurus spp.* as injurious would prohibit their importation into, or transportation between, the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States with limited exceptions. This notice seeks comments from the public to aid in determining if a proposed rule is warranted.

**DATES:** Comments must be submitted on or before March 25, 1996.

**ADDRESSES:** Comments may be mailed or sent by fax to the Chief, Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, 1849 C Street, NW., Mail Stop 840 ARLSQ, Washington, DC 20240, or FAX (703) 358-2044.

**FOR FURTHER INFORMATION CONTACT:** Susan Mangin, Division of Fish and Wildlife Management Assistance at (703) 358-1718.

**SUPPLEMENTARY INFORMATION:** In a July 11, 1995, letter to the Department of the Interior, the Texas Animal Health Commission expressed concern that *T. vulpecula* posed a threat to agriculture, human health, and wildlife resources. They requested that the Service take the necessary steps to prohibit importation of *T. vulpecula* into the United States.

*T. vulpecula* is a fur-bearing marsupial native to Australia. In the 1800s, they were introduced into New

Zealand to support the fur industry. They are claimed to be so well established in both countries that they are considered pests and have considerable impact on agriculture, humans, and wildlife habitat.

They reportedly carry bovine tuberculosis, which has infected New Zealand's domestic livestock population. Their diet consists of vegetation and insects, and they also kill young birds. They have damaged gardens, orchards, crops, pastures, plantations, and native forests.

*T. vulpecula* is extremely common and adaptable. Generally, they can be found in forested areas, however, they have been located in areas without trees such as borrows, caves, and buildings. They have been able to dwell and expand successfully next to humans.

They mainly breed in the spring and autumn and usually produce one offspring at a time. The young are weaned in about 6 months. Their life span is estimated at approximately 12 years.

The Lacey Act (18 U.S.C. 42) and implementing regulations in 50 CFR Part 16 restrict importation into or the transportation of live wildlife or eggs thereof between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States of any nonindigenous species of wildlife determined to be injurious or potentially injurious to certain interests including those of agriculture, horticulture, forestry, the health and welfare of human beings and the welfare and survival of wildlife or wildlife resources of the United States. However, injurious wildlife may be imported by permit for zoological, educational, medical, or scientific purposes, or without permit by Federal agencies solely for their use. If the process initiated by this Notice results in the addition of genus *Trichosurus* to the list of injurious wildlife contained in 50 CFR Part 16, their importation into the United States would be prohibited except under the conditions, and for the purposes, described above.

Although the original request was to prohibit importation of *T. vulpecula*, other members of genus *Trichosurus* may pose the same potential threat. This Notice solicits economic, biologic, or other information concerning genus *Trichosurus*. The information will be used to determine if they are a threat, or potential threat, to those interests of the United States delineated above, and thus warrant addition to the listing of injurious wildlife. The information also will assist in preparing impact analyses and examining alternative protective

measures under the Regulatory Flexibility Act (5 U.S.C. 601).

#### Lists of Subjects in 50 CFR Part 16

Fish, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

This Notice is issued under the authority of Lacey Act (18 U.S.A. 42).

Dated: December 14, 1995.

John Rogers,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 96-946 Filed 1-25-96; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 625

[Docket No. 950421111-5111-01; I.D. 120695A]

RIN 0648-AH95

##### Summer Flounder Fishery; Dealer Reporting Requirements

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

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** NMFS is withdrawing the proposed rule that would have amended the regulations implementing the Fishery Management Plan for the Summer Flounder Fishery (FMP) to make it easier for federally permitted dealers to comply with existing reporting requirements and to improve monitoring of the commercial summer flounder quota.

**DATES:** This proposed rule is withdrawn January 23, 1996.

**FOR FURTHER INFORMATION CONTACT:** Regina Spallone, 508-281-9221.

**SUPPLEMENTARY INFORMATION:** The FMP was developed jointly by the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council in consultation with the New England and South Atlantic Fishery Management Councils. The management unit for the FMP is summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina northward to the United States-Canadian border. Implementing regulations for the fishery are found at 50 CFR part 625.

The summer flounder fishery is managed under a quota system. The