

Government, forgo or withdraw a proposed debarment by entering into a written agreement with the contractor, named individual or affiliate, in which the contractor, individual or affiliate agrees to perform, accomplish or implement such remedial measures or mitigating factors as are listed at FAR 9.406-1(a). The contractor, individual or affiliate shall also agree that its failure to observe any term or condition of the agreement shall constitute sufficient cause for the immediate imposition of debarment by the debarring official without entitlement to a fact-finding hearing.

(b) The debarring official shall not enter into a settlement agreement if the proposed debarment is based on a conviction of or civil judgment for any of the causes in FAR 9.406-2(a).

3509.406-71 Voluntary exclusion.

(a)(1) At any time prior to the debarring official's issuance of a final decision whether to debar, the debarring official may, in the best interests of the U.S. Government, forgo or withdraw a proposed debarment by entering into a written agreement with the contractor, named individual or affiliate, in which the contractor, individual or affiliate agrees to voluntarily refrain, for a specified period of time, from attempting to obtain, and from entering into, any contract, purchase agreement or other form of contractual relationship, regardless of dollar amount, with, as the debarring official may determine, either: (i) the Commission; or (ii) the Commission and one or more, or all, other agencies, departments or entities of the U.S. Government.

(2) A voluntary exclusion will not be reported to the GSA nor appear in the "List of Parties Excluded from Federal Procurement and Nonprocurement Programs," and if the contractor, individual or affiliate is currently listed due to a Commission notice of proposal to debar the PE will advise the GSA of the voluntary exclusion and request the immediate cessation of the listing. The contractor, individual or affiliate shall agree that its failure to observe any term or condition of the voluntary exclusion shall constitute sufficient cause for the immediate imposition of debarment by the debarring official without entitlement to a fact-finding hearing.

(b) The debarring official shall not enter into a voluntary exclusion agreement if the proposed debarment is based on a conviction of or civil judgment for any of the causes in FAR 9.406-2(a).

3509.407 Suspension.

3509.407-2 Causes for suspension.

In addition to the causes listed in FAR 9.407-2, the cause for debarment identified in 48 CFR (PAR) 3509.406-2 also applies to suspension actions.

3509.407-3 Procedures.

(a) The procedures set forth in 48 CFR (PAR) 3509.406-3 for debarment also apply, insofar as they are compatible with the procedures set forth in FAR 9.407-3, to suspension actions except those procedures identified in paragraph (b) of this subsection.

(b) The following procedures in 48 CFR (PAR) 3509.406-3 do *not* apply to suspension actions: 3509.406-3(b)(1)(i), 3509.406-3(b)(2) through (4) and 3509.406-3(c).

(c) *Notice of suspension.* In addition to the matters listed at FAR 9.407-3(c), in actions not based on an indictment, a notice of suspension shall advise the contractor and any specifically named individual or affiliate of the specific, fundamental allegations of material fact supporting the suspension.

3509.407-70 Settlement.

Where a suspension is being considered, the suspending official may enter into a settlement agreement in the same manner and under the same terms as are provided in 48 CFR (PAR) 3509.406-70.

3509.407-71 Voluntary exclusion.

Where a suspension is being considered, the suspending official may enter into a voluntary exclusion agreement in the same manner and under the same terms as are provided in 48 CFR (PAR) 3509.406-71.

3509.470 Special notice.

The Commander in Chief, United States Southern Command, shall be notified by the Procurement Executive of the issuance of any Commission notice of proposal to debar and of any debarment or suspension decision made by the debarring or suspending official.

3509.471 Equal application.

These procedures for debarment and suspension apply equally to all firms, individuals and affiliates doing business with the Panama Canal Commission regardless of their nationality, residence or location.

Dated: January 24, 1996.
Gilberto Guardia F.,
Administrator, Panama Canal Commission.
[FR Doc. 96-2044 Filed 2-1-96; 8:45 am]

BILLING CODE 3640-04-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

RIN 1018-AD33

Conferring Designated Port Status on Atlanta, GA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service confers designated port status on Atlanta, Georgia, pursuant to section 9(f) of the Endangered Species Act of 1973. Designated port status will allow the direct importation and exportation of fish and wildlife, including parts and products, through Atlanta, Georgia, a growing international port. Under this final rule, 50 CFR 14.12 will be amended to add Atlanta, Georgia, to the list of Customs ports of entry designated for the importation and exportation of wildlife. A public hearing has been held on this proposal.

EFFECTIVE DATE: This rule is effective March 4, 1996.

FOR FURTHER INFORMATION CONTACT: Special Agent Thomas Striegler, [(703) 358-1949], or Special Agent Cecil M. Halcomb, Assistant Regional Director, U.S. Fish and Wildlife Service, P.O. Box 49226, Atlanta, Georgia 30359, [(404) 679-7057].

SUPPLEMENTARY INFORMATION:

Background

Designated ports are the cornerstones of the process by which the Fish and Wildlife Service (Service) regulates the importation and exportation of wildlife in the United States. With limited exceptions, all fish or wildlife must be imported and exported through such ports as required by section 9(f) of the Endangered Species Act of 1973, 16 U.S.C. 1538(f). The Secretary of the Interior is responsible for designating these ports by regulation, with the approval of the Secretary of the Treasury after notice and the opportunity for public hearing.

Under Service regulations, wildlife must be imported and exported through one of the designated ports unless the importer/exporter meets one of the exceptions in the regulations. The most common exception is through a permit issued by the Service authorizing an importer or exporter to ship through a nondesignated port. The Service maintains a staff of Wildlife Inspectors at each designated port to inspect and clear wildlife shipments.

The Service presently has twelve designated Customs ports of entry for the importation and exportation of wildlife; these include: the ports of Los Angeles, California; San Francisco, California; Miami, Florida; Honolulu, Hawaii; Chicago, Illinois; New Orleans, Louisiana; New York, New York; Seattle, Washington; Dallas/Fort Worth, Texas; Portland, Oregon; Baltimore, Maryland; and Boston, Massachusetts.

Summary of Comments and Information Received

On October 20, 1995, between 10 a.m. and 12 p.m., the Fish and Wildlife Service held a public meeting at the Airport Manager's Office, Hartsfield International Airport, Atlanta, Georgia. The Service received comments from individuals in the wildlife import/export business, from individuals involved in the brokerage and freight forwarding business, and from individuals representing the city of Atlanta. All comments received during the public meeting supported the designation of Atlanta as a designated port for wildlife and wildlife products.

One participant of the public meeting representing Hartsfield International Airport commented on the fact that the city of Atlanta and the Georgia Congressional delegation have supported the designation of Atlanta for several years. Atlanta is the second busiest airport in the world, according to the commenter, and is considered the aviation gateway to the southeast United States. The commenter stated that Hartsfield International Airport has experienced significant growth in cargo shipments over the past several years and for Atlanta to realize its full potential and take advantage of expanding world trade, Service designation as a designated port is important. A commenter at the public meeting representing brokers and freight forwarders, as well as the "international community" in Atlanta, stated that several businesses in the Atlanta area have quit importing wildlife products through Atlanta (by using Designated Port exception permits issued by the Service) because of the unavailability of Wildlife Inspectors to process importations on a timely basis. The commenter told the meeting that he has received numerous inquiries from those involved in the wildlife import/export business about using Atlanta to receive or ship wildlife internationally, but has told them they could not use Atlanta due to the lack of designation by the Service. The commenter stated that he sees designation of Atlanta as an "ingredient to economic growth" in the area.

Another commenter formally representing the Association of Brokers and Freight Forwarders in Atlanta was fully supportive of designation by the Service of Atlanta as a port of entry for wildlife and wildlife products. A commenter representing a Congressman from Georgia told the meeting that the Congressman had worked for several years for the designation of Atlanta by the Service and was very pleased to see the proposed rule. A tropical fish importer told the meeting that he deals in such a highly perishable product that importing directly into Atlanta will mean his customers do not have to go to California for tropical fish, and that his business depends upon Atlanta being designated a wildlife port of entry. The commenter wishes to see the rulemaking process proceed towards designation of Atlanta. The Service has received one written comment on the proposed rule. That commenter, from the shipping industry, stated that it supports the designation of Atlanta as a designated port. This commenter also requested the Service to consider Memphis, Tennessee, as a designated port in the future.

Service Response

The Service appreciates public comments and support for designation of Atlanta as a designated port. At this time the Service has no plans to make Memphis, Tennessee, a designated port.

Need for Final Rulemaking

Containerized air and ocean cargo has become the paramount means by which both live wildlife and wildlife products are transported into and out of the United States. The use of containerized cargo by the airline and shipping industries has compounded the problems encountered by the Service and by wildlife importers and exporters in the Atlanta area. In many instances, foreign suppliers will containerize entire shipments and route them directly by air to Atlanta. If, upon arrival, the shipment contains any wildlife, those items must be shipped under Customs bond to a designated port for clearance. In most cases, this has involved shipping wildlife products to either Miami, Florida; Chicago, Illinois; New York, New York; Baltimore, Maryland; or New Orleans, Louisiana, the nearest designated ports, but reshipment has been both time consuming and expensive. In other cases containerized maritime cargo is transhipped overland for post entry inspection at Atlanta. Atlanta is one of the Nation's busiest inland seaports, with an estimate of greater than 25,000 ocean containers arriving annually by

rail on Atlanta ocean bills of lading. In addition there has been a steady increase in mail inspections being conducted at Atlanta.

Atlanta area importers and exporters have attempted to direct entire shipments to a designated port prior to their arrival at Atlanta to alleviate problems, even though such shipments may contain only a small number of wildlife items. This method of shipment meets the current regulatory requirements of the Service; however, this is also time consuming and entails additional expense. It is also contrary to the increasing tendency of foreign suppliers to ship consignments directly to regional ports such as Atlanta. In addition, time is a key element when transporting live wildlife and perishable wildlife products. Without designated port status, businesses in Atlanta cannot import and export wildlife products directly, and consequently may be unable to compete economically with merchants in other international trading centers located in designated ports.

With airborne shipments, mail, and transhipped maritime containerized cargo into and out of Atlanta steadily increasing, the Service has concluded that the port should be designated for wildlife imports and exports. A tremendous increase in the volume of shipments has made Atlanta the second largest port of entry in the Southeast. The Service's figures for fiscal year 1994 for the present nondesignated port of Atlanta indicate a total of 397 shipments occurred representing an estimated total value worth \$3,801,043 of wildlife and wildlife products. The Service projects that with the establishment of Atlanta as a designated port that the number of shipments through the port would triple over the first 3 to 5 years. This projection is based upon the Service's previous experience at other newly designated ports such as Dallas/Fort Worth and Portland. As Atlanta prepares to host the 1996 Summer Olympics, the Service expects even greater demands to be placed on its inspection capabilities. Conferring the status of a designated port on Atlanta, therefore, would serve not only the interests of businesses in the region, but would also facilitate the mission of the Service.

The Service is making the decision to confer designated port status upon Atlanta, Georgia, contingent upon the continued funding of adequate Service inspection and administrative personnel to properly staff the port. The Hartsfield Atlanta International Airport, City of Atlanta, Department of Aviation (Airport), has agreed in principle to fund the operational costs of the port,

subject to a dollar cap, to the extent that those costs exceed the fees collected at the port for inspection services. This arrangement has been set forth in a Memorandum of Agreement between the Airport and the Service, to be executed within 30 days of the publication of this final rule. The Airport will provide such funds to the Service through a contributed fund mechanism. See 16 U.S.C. 742f(b). This agreement provides for \$150,000, sufficient operational funding for the port, initially to include two Wildlife Inspectors and one clerical/administrative support position.

Required Determinations

This rule was not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866. The Department of the Interior (Department) has determined that this final rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will have a positive incidental effect upon small entities by reducing overland transportation costs.

The Service anticipates that the addition of the Port of Atlanta to the list of Service Designated Ports for the importation and exportation of wildlife to have no adverse affects upon individual industries and cause no demographic changes in populations. In addition, the Service anticipates that this rule will not have the effect of increasing the direct costs of small entities. The Service, in light of the above analysis, has determined that the final rule will not have a significant economic effect on a substantial number of small entities as defined in the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

This final rule has no private property takings implications as defined in Executive Order 12630. The only effect of this rule will be to make it easier for businesses to import and export wildlife directly through Atlanta, Georgia. This action does not contain any federalism impacts as described in Executive Order 12612. This final rule does not contain any information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995. These changes in the regulations in Part 14 are regulatory and enforcement actions which are covered by a categorical exclusion from National Environmental Policy Act procedures under 516 Department Manual; the changes have no Environmental Justice implications under Executive Order 12898. A determination has been made

pursuant to Section 7 of the Endangered Species Act that the revision of Part 14 will not affect federally listed species. The Department has certified that these regulations meet the applicable standards provided in Section 2(a) and 2(b)(2) of Executive Order 12778.

Author

The originator of this final rule is John M. Neal, Senior Special Agent, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C.

List of Subjects in 50 CFR Part 14

Animal welfare, Exports, Fish, Imports, Labeling, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, the Service amends Title 50, Chapter I, Subchapter B of the Code of Federal Regulations as set forth below.

PART 14—IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

1. The authority citation for Part 14 is revised to read as follows:

Authority: 16 U.S.C. 704, 712, 1382, 1538(d)–(f), 1540(f), 3371–3378, 4223–4244, and 4901–4916; 18 U.S.C. 42; 31 U.S.C. 483(a).

§ 14.12 [Amended]

2. Section 14.12(k) is amended by removing the word “and”.

3. Section 14.12(l) is amended by removing the period and adding the word “and” preceded by a semicolon.

4. Section 14.12 is amended by adding the following new paragraph (m):

§ 14.12 Designated ports.

* * * * *

(m) Atlanta, Georgia.

Dated: January 22, 1996.

George T. Frampton Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–1880 Filed 2–1–96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 950605147–5288–03; I.D. 112895A]

RIN 0648–AH33

Delay of the Effective Date of the 1996 Marine Mammal Protection Act Final List of Fisheries

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

ACTION: Final rule; delay of effective date.

SUMMARY: NMFS published its Marine Mammal Protection Act of 1972 (MMPA) final List of Fisheries (LOF) for 1996 on December 28, 1995. In that rule, the effective period for the 1995 LOF was extended until March 1, 1996. The recent government shutdown delayed NMFS from mailing out registration packets to commercial fishers for the Marine Mammal Authorization Program. Therefore, NMFS is delaying the effective date of the 1996 final LOF from March 1, 1996 to April 1, 1996.

EFFECTIVE DATE: February 2, 1996. The effective date of the MMPA final LOF for 1996 is delayed from March 1, 1996 to April 1, 1996.

ADDRESSES: Information and registration material for the region in which a fishery occurs may be obtained from the following addresses: NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930–2298, Attn: Sandra Arvilla; NMFS, Southeast Region, 9721 Executive Center Drive North, St. Petersburg, FL 33702; NMFS, MMAP, Protected Species Management Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; NMFS, Northwest Region, 7600 Sand Point Way NE, Seattle, WA 98115, Attn: Permits Office; NMFS - PMRD, P.O. Box 22668, 709 West 9th Street, Juneau, AK 99082.

FOR FURTHER INFORMATION CONTACT: Victoria Cornish, Office of Protected Resources, 301–713–2322; Douglas Beach, Northeast Region, 508–281–9254; Charles Oravetz, Southeast Region, 813–570–5312; James Lecky, Southwest Region, 310–980–4015; Brent Norberg, Northwest Region, 206–526–6140; Steven Zimmerman, Alaska Region, 907–586–7235.

SUPPLEMENTARY INFORMATION:

In accordance with section 118 of the MMPA of 1972, and 50 CFR 229.4,