List of Subjects in 48 CFR Part 223 and 252

Government Procurement.

Claudia L. Naugle,

Deputy Director, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 223 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 223 and 252 continues to read as follows:

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

PART 223—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

2. Section 223.7102 is amended by adding paragraph (a)(9) to read as follows:

§223.7102 Exceptions.

(a) * * *

(9) The treatment and disposal of any non-DoD-owned material if the Secretary of the military department concerned—

(i) Determines that the material is required or generated by a private person in connection with the authorized and compatible commercial use by that person of an industrial-type facility of that military department; and

(ii) Enters a contract with that person that—

(A) Is consistent with the best interest of national defense and environmental security; and

(B) Provides for that person's continued financial and environmental responsibility and liability with regard to the material.

* * * *

3. Section 223.7103 is revised to read as follows:

223.7103 Contract clause.

(a) Use the clause at 252.223–7006, Prohibition on Storage and Disposal of Toxic and Hazardous Materials, in all solicitations and contracts which require, may require, or permit contractor performance on a DoD installation.

(b) Use the clause at 252.223–7006 with its Alternate I, when the Secretary of the military department issues a determination under the exception at 223.7102(a)(9).

3. Section 252.223–7006 is amended by revising the introductory text and by adding an Alternate I to read as follows:

252.223–7006 Prohibition on storage and disposal of toxic and hazardous materials.

As prescribed in 223.7103(a), use the following clause:

* * * * *

Alternate I (Mar 1995)

As prescribed in 223.7103(b), add the following paragraphs (c) and (d) to the basic clause:

(c) With respect to treatment or disposal authorized pursuant to 10 U.S.C. 2692(b)(9), and notwithstanding any other provision of the contract, the Contractor assumes all financial and environmental responsibility and liability resulting from any treatment or disposal of non-DoD-owned toxic or hazardous material on a military installation. The Contractor shall indemnify, defend, and hold the Government harmless for all costs, liability, or penalties resulting from the Contractor's treatment or disposal of non-DoD-owned toxic or hazardous materials on a military installation.

(d) The Contractor shall include this clause, including this subparagraph (d) in each subcontract.

[FR Doc. 95–5957 Filed 3–9–95; 8:45 am] BILLING CODE 5000–04–M

48 CFR Part 235

Defense Federal Acquisition Regulation Supplement; Federally Funded Research and Development Centers

AGENCIES: Department of Defense (DoD) **ACTION:** Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to allow DoD-sponsored FFRDCs that function primarily as research laboratories to respond to solicitations and announcements for programs which promote research, development, demonstration, or transfer of technology.

DATES: Effective date: March 3, 1995.

Comment date: Comments on the interim rule should be submitted in writing at the address shown below on or before May 9, 1995, to be considered in the formulation of a final rule. **ADDRESSES:** Interested parties should submit written comments to: Defense Acquisition Regulation Council, ATTN: Mr. R.G. Layser, PDUSD(A&T)DP/DAR, IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062. Telefax Number (703) 602–0350. Please cite DFARS Case 94–D306 in all correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Layser (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

Section 217 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) allows DoDsponsored FFRDCs that function primarily as research laboratories to respond to solicitations and announcements for programs which promote research, development, demonstration, or transfer of technology. This interim DFARS rule implements this allowance.

B. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Compelling reasons exist to promulgate this rule without prior opportunity for public comment because Section 217 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) became effective upon enactment of the Act, October 5, 1994. This interim rule is necessary to ensure that DoD contracting activities become aware of the statutory allowance of DoDsponsored FFRDCs that function primarily as research laboratories to respond to solicitations and announcements for programs which promote research, development, demonstration. or transfer of technology. However, comments received in response to the publication of this rule will be considered in formulating the final rule.

C. Regulatory Flexibility Act

The proposed changes to DFARS Part 217, are not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the rule allows a very limited number of FFRDCs to respond to solicitations and announcements for programs which promote research, development, demonstration, or transfer of technology. The rule is expected to benefit small entities involved in technology research, development, demonstration or transfer who can establish teaming arrangements with FFRDCs. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and may be obtained from the address stated herein. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration.

D. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because this