

and recordkeeping requirements, and Toxic chemicals.

Dated: December 8, 1995.

William H. Sanders III,  
*Director, Office of Pollution Prevention and Toxics.*

[FR Doc. 95-30601 Filed 12-14-95; 8:45 am]

BILLING CODE 6560-50-F

## 48 CFR Parts 1535 and 1552

[FRL-5332-3]

### Acquisition Regulation; Confidential Business Information

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to revise its acquisition regulation by revising both the prescription for use of solicitation provisions and contract clauses regarding collection, use, access, treatment, and disclosure of confidential business information (CBI), and adding solicitation provisions and contract clauses on CBI.

**DATES:** Written comments should be submitted to the contact listed below not later than February 13, 1996.

**ADDRESSES:** Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: Senzel.Louise@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 format or ASCII file format. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

**FOR FURTHER INFORMATION CONTACT:** Louise Senzel, Environmental Protection Agency, Office of Acquisition Management (3802F), 401 M Street, SW, Washington, D.C. 20460. Telephone: (202) 260-6204.

#### SUPPLEMENTARY INFORMATION:

##### A. Executive Order 12866

The proposed rule is not a significant regulatory action for the purposes of Executive Order 12866; therefore, no review is required by the Office of Information and Regulatory Affairs.

##### B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this proposed rule does not contain information collection requirements that require the approval

of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*)

##### C. Regulatory Flexibility Act

The EPA certifies that this proposed rule does not exert a significant economic impact on a substantial number of small entities. The requirements to contractors under the proposed rule impose no reporting, record-keeping, or any compliance costs.

##### D. Unfunded Mandates

This proposed rule will not impose unfunded mandates on state or local entities, or others.

The provisions of this regulation are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

##### List of Subjects in 48 CFR Parts 1535 and 1552

Government procurement.

Therefore, Chapter 15 of title 48, Code of Federal Regulations is proposed to be amended as set forth below:

1. The authority citation for parts 1535 and 1552 continue to read as follows:

Authority: Sec. 205(c), 63 stat. 390, as amended, 40 U.S.C. 486(c).

2. Section 1535.007 is revised to read as follows:

##### 1535.007 Solicitations.

(a) Contracting Officers shall insert the following provisions in all solicitations when the Contracting Officer has determined that EPA may furnish the contractor with confidential business information which EPA has obtained from third parties under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 *et seq.*).

(1) 1552.235-72 Control and Security of Federal Insecticide, Fungicide, and Rodenticide Act Confidential Business Information; and

(2) 1552.235-73 Access to Federal Insecticide, Fungicide, and Rodenticide Act Confidential Business Information.

(b) Contracting Officers shall insert the following provisions in all solicitations when the Contracting Officer has determined that EPA may furnish the contractor with confidential business information which EPA has obtained from third parties under the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*)

(1) 1552.235-74 Control and Security of Toxic Substances Control Act Confidential Business Information; and

(2) 1552.235-75 Access to Toxic Substances Control Act Confidential Business Information.

3. Subsection 1535.007-70 is amended by revising paragraphs (b) and

(c) and adding paragraph (d) through (f) to read as follows:

##### 1535.007-70 Contract clauses.

(a) \* \* \*

(b) The Contracting Officer shall insert the clause at 1552.235-71, Treatment of Confidential Business Information, in solicitations and contracts when the Contracting Officer has determined that in the performance of the contract, EPA may furnish confidential business information to the contractor obtained from third parties under the Clean Air Act (42 U.S.C. 7401 *et seq.*), the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*), the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*), the Resource Conservation and Recovery Act (42 U.S.C. 301 *et seq.*), the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 *et seq.*), the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*), and provision 1552.235-70, Release of Contractor Confidential Business Information. EPA regulations on confidentiality of business information in 40 CFR part 2, subpart B, require that the contractor agree to the clause entitled "Treatment of Confidential Business Information" before any confidential business information may be furnished to the contractor.

(c) The Contracting Officer shall insert the clause at 1552.235-76, Treatment of Confidential Business Information, in solicitations and contracts when the Contracting Officer has determined that in the performance of the contract, EPA may furnish the contractor with confidential business information obtained from third parties under the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*). EPA regulations on confidentiality of business information in 40 CFR part 2, subpart B, require that the contractor agree to the clause entitled "Treatment of Confidential Business Information" before any confidential business information may be furnished to the contractor.

(d) The Contracting Officer shall insert the clause at 1552.235-77 Data Security for Federal Insecticide, Fungicide, Rodenticide Act Confidential Business Information, when the contract involves access to confidential business information related to the Federal Insecticide, Fungicide, Rodenticide Act and the Treatment of Confidential Business Information clause (1552.235-71) and the Screening Business Information for Claims of Confidentiality clause (1552.235-70) are included.