

alternate OTR enhanced I/M performance standard are:

- (1) *Network type*. Centralized testing.
- (2) *Start date*. January 1, 1999.
- (3) *Test frequency*. Annual testing.
- (4) *Model year coverage*. Testing of 1968 and newer vehicles.
- (5) *Vehicle type coverage*. Light duty vehicles, and light duty trucks, rated up to 8,500 pounds GVWR.
- (6) *Exhaust emission test type*. Remote sensing measurements on 1968–1995 vehicles; on-board diagnostic system checks on 1996 and newer vehicles.
- (7) *Emission standards*. For remote sensing measurements, a carbon monoxide standard of 7.5% (with at least two separate readings above this level to establish a failure).
- (8) *Emission control device inspections*. Visual inspection of the catalytic converter on 1975 and newer vehicles and visual inspection of the positive crankcase ventilation valve on 1968–1974 vehicles.
- (9) *Waiver rate*. A 3% waiver rate, as a percentage of failed vehicles.
- (10) *Compliance rate*. A 96% compliance rate.
- (11) *Evaluation dates*. Enhanced I/M program areas subject to the provisions of this paragraph shall be shown to obtain the same or lower VOC and NO_x emission levels as the model program described in this paragraph by January 1, 2000, 2003, 2006, and 2007. Equality of substituted emission reductions to the benefits of the low enhanced performance standard must be demonstrated for the same evaluation dates.

4. Section 51.353 is amended by adding paragraph (c)(5) to read as follows:

§ 51.353 Network type and program evaluation.

* * * * *

(c) * * *

(5) Areas that qualify for and choose to implement an OTR low enhanced I/M program, as established in § 51.351(h), that achieves less emission reduction credit than the basic performance standard for one or more pollutants are exempt from the requirements of paragraphs (c)(1) through (c)(4) of this section. The reports required under § 51.366 of this part shall be sufficient in these areas to satisfy the requirements of Clean Air Act for program reporting.

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5. Section 51.364 is amended by adding paragraphs (e) and (f) to read as follows:

§ 51.364 Enforcement against contractors, stations and inspectors.

* * * * *

(e) Alternative quality assurance procedures or frequencies that achieve equivalent or better results may be approved by the Administrator. Statistical process control shall be used whenever possible to demonstrate the efficacy of alternatives.

(f) Areas that qualify for and choose to implement an OTR low enhanced I/M program, as established in § 51.351(h) of this part, that achieves less emission reduction credit than the basic performance standard for one or more pollutants are not required to meet the oversight specifications of this section.

6. Section 51.373 is amended by adding paragraph (f) to read as follows:

§ 51.373 Implementation deadlines.

* * * * *

(f) Areas that choose to implement an enhanced I/M program only meeting the requirements of § 51.351(h) of this subpart shall fully implement the program no later than July 1, 1999. The availability and use of this late start date does not relieve the area of the obligation to meet the requirements of § 51.351(h)(11).

[FR Doc. 95–26202 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[LA–19–1–6934b; FRL–5310–3]

Approval and Promulgation of Implementation Plans; State of Louisiana; Clean Fuel Fleet Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Louisiana for the purpose of establishing a Clean Fuel Fleet Program. The SIP revision was submitted by the State to satisfy the Federal mandate, found in the Clean Air Act (CAA), to implement a program whereby at least a certain percentage of all newly acquired vehicles of certain on-road fleets in the Baton Rouge ozone nonattainment area, beginning with model year 1998, shall be clean fuel vehicles (CFV). In the final rules section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. The rationale for the approval is set

forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received during the 30-day comment period set forth below will be addressed in a subsequent final rule based on this proposed rule. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by November 22, 1995.

ADDRESSES: Written comments should be submitted to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. U.S. Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, suite 700, Dallas, Texas 75202–2733; telephone (214) 665–7214.

Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection, 7290 Bluebonnet Blvd. Baton Rouge, Louisiana 70810.

FOR FURTHER INFORMATION CONTACT: H.D. Brown, Jr., Air Planning Section (6PD–L), EPA Region 6, telephone (214) 665–7248.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final action of the same title which is located in the rules section of this Federal Register.

Dated: September 14, 1995.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 95–26196 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[MI36–01–6712b; FRL–5294–5]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve a revision to the Michigan State Implementation Plan (SIP) for the Eagle-

Ottawa Leather Company facility located in Ottawa County, Michigan. This approval makes federally enforceable the State's consent order requiring control of VOC emissions from Eagle-Ottawa facility. The EPA's review of the revision shows that the controls are sufficient to constitute Reasonably Available Control Technology (RACT) for this facility.

DATES: Comments on this proposed action must be received by November 22, 1995.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules section of this Federal Register. Copies of the request and the EPA's analysis are available for inspection at the following address: (Please telephone Douglas Aburano at (312) 353-6960 before visiting the Region 5 office.) EPA, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

Authority: 42 U.S.C. 7401-7671q.

Dated: August 28, 1995.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 95-26198 Filed 10-20-95; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF DEFENSE

48 CFR Parts 204, 215, 216, 232, 233, 235, 239, 246, 252, 253, and Appendix C to Chapter 2

[DFARS Case 95-D708]

Defense Federal Acquisition Regulation Supplement; Truth in Negotiations Act and Related Changes

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comment.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect recent amendments to the Federal Acquisition Regulation pertaining to cost or pricing data requirements.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before December 22, 1995 to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 95-D708 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT:

Mr. Al Winston, Truth in Negotiations Act Team Leader, at (703) 602-2119. Please cite DFARS Case 95-D708.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Acquisition Streamlining Act of 1994, Pub. L. 103-355 (the Act), provides authorities that streamline the acquisition process and minimize burdensome government-unique requirements. Item I of Federal Acquisition Circular (FAC) 90-32, published at 60 FR 48206 on September 18, 1995, amended the Federal Acquisition Regulation to implement requirements of the Act pertaining to the submission of cost or pricing data. This rule proposes amendments to the DFARS to conform to the FAR amendments published as Item I of FAC 90-32. This rule also proposes to delete DFARS language pertaining to work measurement systems, as Section 2201(b) of the Act repealed 10 U.S.C. 2406, the primary statute covering work measurement systems.

B. Regulatory Flexibility Act

The proposed rule is 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 primarily consists of conforming DFARS amendments to reflect existing FAR requirements for submission of cost or pricing data. An initial regulatory flexibility analysis, therefore, has not been performed. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D708 in correspondence.

C. The Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 204, 215, 216, 232, 233, 235, 239, 246, 252, 253, and Appendix C

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, it is proposed that 48 CFR Parts 204, 215, 216, 232, 233, 235, 239, 246, 252, 253, and Appendix C be amended as follows:

1. The authority citation for 48 CFR Parts 204, 215, 216, 232, 233, 235, 239, 246, 252, 253, and Appendix C continues to read as follows:

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

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.805 is amended by revising paragraph (5) to read as follows:

204.805 Disposal of contract files.

* * * * *

(5) Retain pricing review files, containing documents related to reviews of the contractor's price proposals, subject to cost or pricing data (see FAR 15.804-2), for six years. It is impossible to determine the final payment date in order to measure the six-year period, retain the files for nine years.

PART 215—CONTRACTING BY NEGOTIATION

215.801 [Removed]

3. Section 215.801 is removed.

4. Sections 215.804 and 215.804-1 are revised to read as follows:

215.804 Cost or pricing data and information other than cost or pricing data.

215.804-1 Prohibition of obtaining cost or pricing data.

(b) *Standards for exceptions from cost or pricing data requirements.* (1) Adequate price competition. (A) An example of a price "based on" adequate price competition is exercise of a priced option in a contract where adequate price competition existed, if the contracting officer has determined that the option price is reasonable under FAR 17.207(d)

(B) Dual or multiple source programs.

(I) In dual or multiple source programs, the determination of adequate price competition must be made on a case-by-case basis. Contracting officers must exercise deliberation and thorough review in making the determination. Even when adequate price competition exists, in certain cases it may be appropriate to obtain some data to assist in price analysis.