

An ILEV must be able to operate on only one fuel, or must be certified as an ILEV on all fuels on which it can operate. These vehicles shall also comply with all requirements of 40 CFR part 86 which are applicable to conventional gasoline-fueled, methanol-fueled, diesel-fueled, natural gas-fueled or liquified petroleum gas-fueled LDVs/LDTs of the same vehicle class and model year.

(d) *Heavy-duty vehicles.* ILEVs in the HDV class shall have exhaust emissions which do not exceed the exhaust emission standards in grams per brake horsepower-hour listed in § 88.105-94(d). Exhaust emissions shall be measured in accordance with the test procedures specified in § 88.105-94(e). An ILEV must be able to operate on only one fuel, or must be certified as an ILEV on all fuels on which it can operate. These vehicles shall also comply with all requirements of 40 CFR part 86 which are applicable in the case of conventional gasoline-fueled, methanol-fueled, diesel-fueled, natural gas-fueled or liquified petroleum gas-fueled HDVs of the same weight class and model year.

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9. Section 88.312-93 of subpart C is amended by revising paragraphs (a)(1) and (c)(2)(ii) to read as follows:

§ 88.312-93 Inherently Low-Emission Vehicle Labeling.

* * * * *

(a) *Label design.* (1) Label design shall consist of either of the following specifications:

(i) The label shall consist of a white rectangular background, approximately 12 inches (30 centimeters) high by 18

inches (45 centimeters) wide, with "CLEAN AIR VEHICLE" printed in contrasting block capital letters at least 4.3 inches (10.6 centimeters) tall and 1.8 inches (4.4 centimeters) wide with a stroke width not less than 0.5 inches (1.3 centimeters). In addition, the words "INHERENTLY LOW-EMISSION VEHICLE" must be present in lettering no smaller than 1 inch (2.5 centimeters) high. Nothing shall be added to the label which impairs readability. Labels shall include a serialized identification number; or

(ii) The label shall consist of a white truncated-circular background, approximately 10 inches (25 centimeters) in diameter by 7 inches (17.5 centimeters) in height. The bottom edge of the truncated-circular background shall be approximately 2 inches (5 centimeters) from the center. The acronym "ILEV" shall be printed on the label in contrasting block capital letters at least 2 inches (5 centimeters) tall and 1.5 inches (3.8 centimeters) wide with a stroke width not less than 0.4 inches (1.0 centimeter). In addition, the words "CLEAN AIR VEHICLE" must be present in lettering no smaller than 0.8 inches (2.0 centimeters) high. Nothing shall be added to the label which impairs readability. Labels shall include a serialized identification number.

* * * * *

(c) * * *

(2) * * *

(ii) In the case that an ILEV label of the proportions specified in paragraph (a)(1) of this section cannot be attached to the rear of the ILEV, the manufacturer or the manufacturer's agent shall attach

to the rear of the vehicle an ILEV label of either of the following proportions:

(A) The label shall consist of a white rectangular background, approximately 4 inches (10 centimeters) high by 24 inches (60 centimeters) wide, with "CLEAN AIR VEHICLE" printed in contrasting block capital letters at least 2.8 inches (7 centimeters) tall and 1.3 inches (3.3 centimeters) wide with a stroke width not less than 0.3 inches (0.8 centimeter). In addition, the words "INHERENTLY LOW-EMISSION VEHICLE" must be present in lettering no smaller than 0.6 inches (1.5 centimeters) high. Nothing shall be added to the label which impairs readability. Labels shall include a serialized identification number; or

(B) The label shall consist of a white truncated-circular background, approximately 5 inches (12.5 centimeters) in diameter by 3.5 inches (8.8 centimeters) in height. The bottom edge of the truncated-circular background shall be approximately 1 inch (2.5 centimeters) from the center. The acronym "ILEV" shall be printed on the label in contrasting block capital letters at least 1 inch (2.5 centimeters) tall and 0.8 inches (2.0 centimeters) wide with a stroke width not less than 0.3 inches (0.8 centimeters). In addition, the words "CLEAN AIR VEHICLE" must be present in lettering no smaller than 0.4 inches (1.0 centimeter) high. Nothing shall be added to the label which impairs readability. Labels shall include a serialized identification number.

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10. Table C94-1.1 to subpart C of part 88 is revised to read as follows:

Tables to Subpart C of Part 88

TABLE C94-1.—FLEET CREDIT TABLE BASED ON REDUCTION IN NMOG. VEHICLE EQUIVALENTS FOR LIGHT-DUTY VEHICLES AND LIGHT-DUTY TRUCKS

TABLE C94-1.1.—CREDIT GENERATION: PURCHASING MORE CLEAN-FUEL VEHICLES THAN REQUIRED BY THE MANDATE

NMOG	LDV, LDT ≤6000 GVWR, ≤3750 LVW	LDT ≤6000 GVWR, >3750 LVW ≤5750 LVW	LDT >6000 GVWR, ≤3750 ALVW	LDT >6000 GVWR, >3750 ALVW ≤5750 ALVW	LDT >6000 GVWR, >5750 ALVW
LEV	1.00	1.26	0.71	0.91	1.11
ULEV	1.20	1.54	1.00	1.26	1.56
ZEV	1.43	1.83	1.43	1.83	2.23

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40 CFR Part 88

[AMS-FRL-5347-1]

Conversions Sales Volume Limit Provisions for Small Volume Manufacturers Certification of the Final Rule Entitled "Emission Standards for Clean Vehicles and Engines, Requirements for Clean-Fuel Vehicle Conversions, and California Pilot Test Program"**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule; removal of direct final rule provision.

SUMMARY: On September 30, 1994 (59 FR 50042), EPA published the final rule establishing emission standards for clean-fuel vehicles (CFVs) and engines and requirements for CFV conversions. As a part of this final rule, EPA published a direct final rulemaking (DFRM) intended to apply a 10,000 vehicle sales volume limit (EPA's current Small-Volume Manufacturers Certification Program limit) to vehicle converters seeking to certify their conversion configurations as CFVs under EPA's Small-Volume Certification Program. EPA is removing this provision because adverse or critical comments were received by the Agency prior to October 31, 1994 (the published deadline for submitting comments).

EFFECTIVE DATE: This action is effective January 3, 1996.

ADDRESSES: Materials directly relevant to the direct final rule are contained in Public Docket A-92-30 located at: Air and Radiation Docket and Information Center, Room M-1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460. The docket may be inspected from 8 a.m. until 4 p.m. Monday through Friday. As provided in 40 CFR part 2, a reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Manning, U.S. EPA (SRPB-12), Regulation Development and Support Division, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313) 741-7832.

SUPPLEMENTARY INFORMATION:

I. Accessing Electronic Copies of Rulemaking Documents through the Technology Transfer Network Bulletin Board System (TTNBBS)

A copy of this action is available through TTNBBS under OMS, Rulemaking and Reporting, Alternative Fuels, Clean Fuel Fleets. TTNBBS is available 24 hours a day, 7 days a week

except Monday morning from 8-12 EST, when the system is down for maintenance and backup. For help in accessing the system, call the systems operator at 919-541-5384 in Research Triangle Park, North Carolina, during normal business hours EST.

II. Description of Action

The Clean Air Act requires EPA to establish, by regulation, emission standards for clean-fuel vehicles (CFVs) pursuant to sections 242 and 243 of the Act. On September 30, 1994, EPA promulgated such emissions standards for all CFVs, including vehicles converted from conventional vehicles to CFVs. See 59 FR 50042. That rulemaking included a regulatory provision that adopted a sales volume limit of 10,000 converted vehicles for converters seeking to certify as small volume manufacturers. The Small-Volume Manufacturers certification program exempts manufacturers with annual sales of 10,000 or less from EPA's full certification program. EPA had intended to implement the 10,000 limit for CFV conversion certification under the small-volume manufacturers provisions to make the treatment of CFVs consistent with that of other conventional and alternative-fueled vehicles. A discussion of EPA's perspective on this regulatory provision was presented in Section II, Part B of the Clean Fuel Vehicle Conversions Final Rule. See 59 FR 50063-50064 (September 30, 1994).

EPA did not include this sales volume limit in its proposed clean-fuel vehicle regulations (See 58 FR 32474, June 10, 1993). EPA promulgated this provision in the final rule establishing the CFV standards through a direct final rulemaking process, because the Agency considered it a noncontroversial action and did not anticipate adverse comment. However, EPA did receive adverse comment during the comment period provided for the sales volume limit. Specifically, the Natural Gas Vehicle Coalition (NGVC) commented that certification is more burdensome for conversion companies compared to Original Equipment Manufacturers (OEMs) since the relative costs of the end products of the two types of business are very different and the opportunity to recover certification costs by increasing product prices is much more limited for converters. Since adverse comments were received on this direct final action, EPA is removing the volume limit for converters seeking to use the provisions for small-volume manufacturers. In another document elsewhere in this Federal Register, EPA is proposing to adopt this volume limit

for application of small volume manufacturer provisions to certification of CFV conversions. Interested parties should refer to the "Proposed Rules" section of this Federal Register for that proposal.

EPA's removal of these regulatory changes is not based on EPA's agreement or disagreement with the adverse comments received. The removal is based solely on the receipt of the comment itself. As stated in the September 30, 1994, rule, the sales volume limit would be effective only if no persons submitted adverse comments or requested an opportunity to comment. Section 88.306-94(b)(3) is being revised for purposes of removing the direct final rule provisions. In addition to removing the volume limit in this action, EPA is proposing new provisions regarding the vehicle volume limit for converters seeking certification under the small volume manufacturers provisions in a document elsewhere in this Federal Register.

III. Statutory Authority

The statutory authority for this action is granted to EPA by Sections 202, 203, 247, and 301 of the Clean Air Act.

List of Subjects in 40 CFR Part 88

Environmental protection, Administrative practice and procedure, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: November 27, 1995.

Carol M. Browner,
Administrator.

For the reasons set forth in the preamble part 88 of title 40 of the Code of Federal Regulations is amended as follows:

PART 88—CLEAN-FUEL VEHICLES

1. The authority citation for Part 88 continues to read as follows:

Authority: 42 U.S.C. 7410, 7418, 7581, 7582, 7583, 7584, 7586, 7588, 7589, 7601(a).

2. Section 88.306-94 of subpart C is amended by revising paragraph (b)(3) to read as follows:

§ 88.306-94 Requirements for a converted vehicle to qualify as a clean-fuel fleet vehicle.

* * * * *

(b) * * *

(3) For the purpose of determining whether certification under the Small-Volume Manufacturers Certification Program pursuant to the requirements of 40 CFR 86.094-14 is permitted, the 10,000 sales volume limit in 40 CFR 86.094-14(b)(1) is waived for a certifier

of a clean-fuel vehicle aftermarket conversion.

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DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

Defense Federal Acquisition Regulation Supplement; Uruguay Round (1996 Agreement)

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has amended the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the DoD-unique requirements of the renegotiated General Agreement on Tariffs and Trade (GATT) Government Procurement Agreement (1996 Code) (Uruguay Round), which becomes effective January 1, 1996. This agreement is implemented in statute by the Uruguay Round Agreement Act, Pub. L. 103-465, which amends the Trade Agreements Act of 1979.

DATES: *Effective date:* January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS 225.402 and 252.225-7007, permitting purchase of nondesignated country end products, if sufficient U.S. made, qualifying country, or eligible products are not available. This implements Section 343 of Pub. L. 103-465, which amends Section 302(a) of the Trade Agreements Act of 1979 (19 U.S.C. 2512(a)).

A proposed rule was published in the Federal Register on October 13, 1995 (60 FR 53319). No comments were received in response to the proposed rule.

B. Regulatory Flexibility Act

The Department of Defense certifies that this final rule will not 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 it permits purchase of nondesignated country end products without a waiver only if sufficient U.S. made, qualifying country, or eligible products are not available.

C. Paperwork Reduction Act

The final rule does not impose any reporting or recordkeeping requirements which require OMB approval under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

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

Therefore, 48 CFR Parts 225 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

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

PART 225—FOREIGN ACQUISITION

2. Section 225.402 is amended by revising paragraph (c) to read as follows:

225.402 Policy.

(a) * * *

(c)(i) Except as provided in paragraphs (c) (ii) and (iii) of this section, do not purchase nondesignated country end products subject to the Trade Agreements Act unless they are NAFTA, Caribbean Basin, or qualifying country end products (see 225.872-1).

(ii) The prohibition in paragraph (c)(i) of this section does not apply when the contracting officer determines that offers of U.S. made, qualifying country, or eligible products from responsive, responsible offerors are either—

- (A) Not received; or
- (B) Insufficient to fill the Government's requirements. In these cases, accept all responsive, responsible offers of U.S. made, qualifying country, and eligible products before accepting any other offers.

(iii) National interest waivers under Section 302(b)(2) of the Trade Agreements Act are approved on a case-by-case basis. Except as delegated in paragraphs (c)(iii) (A) and (B) of this section, a request for a national interest waiver shall include supporting rationale and be submitted under department/agency procedures to the Director of Defense Procurement.

(A) The head of the contracting activity may approve a national interest waiver for a purchase by an overseas purchasing activity of products critical to the support of U.S. forces stationed abroad. The waiver must be supported by a written statement from the requiring activity stating that the requirement is critical for the support of U.S. forces stationed abroad.

(B) The Commander, Defense Fuel Supply Center, may approve national interest waivers for purchases of fuel for use by U.S. forces overseas.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.225-7007 is amended by revising the clause date to read "(JAN 1996)" and by revising paragraph (c)(1) to read as follows:

252.225-7007 Trade Agreements.

* * * * *

Trade Agreements (Jan 1996)

* * * * *

(c) * * *

(1) Offerors may not supply a nondesignated country end product unless—

(i) It is a qualifying country end product, a Caribbean Basin country end product, or a NAFTA country end product;

(ii) The Contracting Officer has determined that offers of U.S. made end products or qualifying, designated, NAFTA, or Caribbean Basin country end products from responsive, responsible offerors are either not received or are insufficient to fill the Government's requirements; or

(iii) A national interest waiver has been granted under Section 302 of the Trade Agreements Act of 1979 (see FAR 25.402(c)).

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