

exists in other sections of Title 46, such as 46 CFR 30.15-1. The comparisons for performance or dimensional equivalence must be certified by a recognized independent testing facility, a classification society recognized under the Alternate Compliance Program, or a licensed professional engineer (P.E.) acceptable under the provisions of Navigation and Vessel Inspection Circular (NVIC) 10-92. This written certification should be submitted with other supporting documentation when applying for approval by the Coast Guard.

Comparison tests of performance should demonstrate that the effective closure (internal leakage with the resilient seat removed) of a new resiliently seated valve is equivalent with that of a previously accepted resiliently seated valve. New resiliently seated valves being submitted for acceptance by the Coast Guard based on performance equivalency must have a flow coefficient (Cv), when in the closed condition with the resilient material removed, that is within acceptable tolerances, as indicated in Instrument Society of America standard ISA-S75.02-1996, of the Cv of a previously accepted resiliently seated valve. New resiliently seated valves being submitted to the Coast Guard for acceptance based on dimensional equivalency must demonstrate that the dimensions of the pressure-containing components (valve body, disk, and stem, etc.) are within acceptable tolerances, based on a recognized industry standard, such as American Petroleum Institute (API) 609 (1997), Manufacturers Standardization Society (MSS) SP-67 (1990), or American National Standards Institute (ANSI) B16.10 (1992), of the dimensions of the previously accepted resiliently seated valve. Regardless of which method is demonstrated, the materials of the pressure-containing components for all new resiliently seated valves shall comply with the requirements of 46 CFR 56.60.

Notwithstanding this interim policy, valve manufacturers continue to have the option of demonstrating compliance with the existing regulations in 46 CFR 56.20-15. Those seeking acceptance of new resiliently seated valves under the provisions of this policy notice or, alternatively, those choosing to continue to use the existing 46 CFR 56.20-15, should submit supporting documentation for approval to the Coast Guard Marine Safety Center, 400 7th Street, SW., Washington, DC 20590-0001.

Additionally, the Coast Guard solicits the public's comments on how it should proceed with the revision or

amendment of the existing regulatory requirements for resiliently seated valves as contained in 46 CFR 56.20-15. The Coast Guard has identified five potential options on how to proceed as follows: incorporation by reference of an industry standard (develop a suitable industry standard working in conjunction with a voluntary standards development organization, e.g., the American Society for Testing and Materials F-25 Technical Committee on Shipbuilding); evaluation of the need to have any standard for resiliently seated valves; revise the acceptance criteria requirements within existing 46 CFR 56.20-15 to reflect acceptance criteria applied to previously accepted resiliently seated valves; maintain the acceptance criteria contained in existing 46 CFR 56.20-15 and set an effective date upon which the acceptance of previously accepted resiliently seated valves would terminate; or maintain the acceptance criteria as currently exists in 46 CFR 56.20-15. The preferred option for the Coast Guard, at this juncture, is to pursue development of an industry standard which can be considered for incorporation by reference into 46 CFR 56.20-15. Therefore, the Coast Guard encourages submission of written data, views, or arguments regarding the five options addresses above or any other alternative option. Also, the Coast Guard is soliciting comments which address. The service history of previously accepted resiliently seated valves; compliance of previously accepted resiliently seated valve designs with the current leakage rate criteria found in 46 CFR 56.20-15(c)(1); the need for a leakage rate criteria with the seat removed as an option in lieu of fire tests; compliance of designs with an acceptable fire test (e.g., American Petroleum Institute (API) standard 607); and the need for the current three categories of resiliently seated valves, (Category A, Category B, and positive shut-off). The Coast Guard will carefully consider all comments received and may initiate a regulatory project to adopt one of these or another alternative.

Dated February 26, 1998.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection

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ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1511, 1515, and 1552

[FRL-5968-9]

Acquisition Regulation: Administrative Amendments

AGENCY: Environmental Protection Agency.

ACTION: Interim rule with request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is amending the EPA Acquisition Regulation (EPAAR) (48 CFR Chapter 15) to include a requirement that any report prepared under an Agency contract identify the contract under which it was prepared and the name of the contractor who prepared the report, and to make an administrative change in the approval levels for Source Selection.

DATES: This interim rule is effective on March 4, 1998. Comments should be submitted not later than May 4, 1998.

ADDRESSES: Written comments should be submitted to the contact listed below at the following address: U.S. Environmental Protection Agency, Office of Acquisition Management (3802R), 401 M Street, SW, Washington, D.C. 20460. 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 6.1 format or ASCII file format. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this rule may be filed on-line at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: Louise Senzel, U.S. EPA, Office of Acquisition Management, (3802R), 401 M Street, SW, Washington, D.C. 20460, Telephone: (202) 564-4367.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule includes a requirement that any report prepared under an Agency contract identify the contract under which it was prepared and the name of the contractor who prepared the report as required by section 411 of Public Law 105-65, October 27, 1997, and makes an administrative change in the approval levels for Source Selection.

Section 411 of Public Law 105-65 (EPA's appropriation act) states except

as otherwise provided by the law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 *et seq.*), for a contract for services unless such executive agency: (1) Has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report pursuant to such contract, to contain information concerning: (A) The contract pursuant to which the report was prepared; and (B) the contractor who prepared the report to such contract." Because immediate compliance is essential for EPA contracting activities, urgent and compelling circumstances exist that make it impracticable for EPA to promulgate this rule using notice and comment procedures. Therefore, pursuant to 41 U.S.C. 418b(d), EPA is promulgating these revisions on a temporary basis and is providing for a public comment period of 60 days from the date on which this notice is published. After considering the comments received, EPA may issue a final rule. The revisions will be in effect during the interim period while EPA receives, reviews and responds to any comments.

B. Executive Order 12866

The interim 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 within the Office of Management and Budget (OMB).

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this interim 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.*)

D. Regulatory Flexibility Act

The EPA certifies that this interim rule does not exert a significant economic impact on a substantial number of small entities. The requirements to contractors under the

rule impose no reporting, record-keeping, or any compliance costs.

E. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA),

Public Law 104-4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and tribal governments, and the private sector. This interim rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in one year. Any private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

F. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Authority: The provisions of this regulation are issued under 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

List of Subjects in 48 CFR Parts 1511, 1515, and 1552

Government procurement.
Therefore, 48 CFR Chapter 15 is amended as set forth below:

PARTS 1511, 1515 AND 1552— [AMENDED]

1. The authority citation for Parts 1511, 1515, and 1552 continues to read as follows:

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

2. 1511.011-70, is revised to read as follows:

1511.011-70 Reports of work.

Contracting officers shall insert one of the contract clauses at 1552.211-70 when the contract requires the delivery of reports, including plans, evaluations, studies, analyses and manuals. Alternate I should be used to specify reports in contract schedule, whereas the basic clause should be used when reports are specified in a contract attachment.

3. 1515.612 is amended by revising paragraph (a)(1) introductory text to read as follows:

1515.612 Formal source selection.

(a) * * *
(1) Acquisitions having a potential value exceeding \$25,000,000.

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4. Section 1552.211-70 is amended by revising the first paragraph, the heading of the clause, the first paragraph of the clause, the heading of Alternate I and the first paragraph of Alternate I to read as follows.

1552.211-70 Reports of Work.

As prescribed in 1511.011-70, insert one of the contract clauses in this subsection when the contract requires the delivery of reports, including plans, evaluations, studies, analyses and manuals. The basic clause should be used when reports are specified in a contract attachment. Alternate I is to be used to specify reports in the contract schedule.

REPORTS OF WORK (February 98)

The Contractor shall prepare and deliver reports, including plans, evaluations, studies, analyses and manuals in accordance with Attachment _____. Each report shall cite the contract number, identify the U.S. Environmental Protection Agency as the sponsoring agency, and identify the name of the contractor preparing the report.

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ALTERNATE I (February 98)

The Contractor shall prepare and deliver the below listed reports, including plans, evaluations, studies, analyses and manuals to the designated addressees. Each report shall cite the contract number, identify the U.S. Environmental Protection Agency as the sponsoring agency, and identify the name of the contractor preparing the report.

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Dated: February 11, 1998.

Ronald L. Kovach,

Acting Director, Office of Acquisition Management.

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