

the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

I. National Technology Transfer and Advancement Act of 1995

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Pub. L. 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes comments on this aspect of the rulemaking and specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

J. 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.

List of Subjects in 48 CFR Parts 1516 and 1552

Government procurement.

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

PART 1516—[AMENDED]

1. The authority citation for Parts 1516 and 1552 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended.

2. Section 1516.405, paragraph (b) is amended by removing the words "in accordance with FAR 15.903(d)" from the final sentence of the paragraph.

PART 1552—[AMENDED]

3. Section 1552.216-75, is revised to read as follows:

1552.216-75 Base fee and award fee proposal.

As prescribed in 1516.405(b), insert the following clause:

Base Fee and Award Fee Proposal (FEB 1999)

For the purpose of this solicitation, offerors shall propose a combination of base fee and award fee. Base fee shall not exceed 3% of the estimated cost, excluding fee, and the award fee shall not be less than ___% of the total estimated cost, excluding fee. The combined percentages of base and award fee shall not exceed ___% of the total estimated cost, excluding fee.

(End of clause)

1552.242-70 [Amended]

4. Section 1552.242-70 is amended by revising the reference "FAR 42.703(a)" in the first paragraph of paragraph (a) in the clause to read "FAR 42.703-1(a)" and the reference "FAR 15.804-4" in the undesignated paragraph after paragraph (a) in the clause to read "FAR 15.406-2".

Dated: December 14, 1998.

Betty L. Bailey,

Director, Office of Acquisition Management.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-296]

Organization and Delegation of Powers and Duties; Delegation to the Commandant, United States Coast Guard; Correction

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule; correction.

SUMMARY: This rule makes an editorial correction to the recently published final rule delegating to the Commandant, the United States Coast Guard, the authority pertaining to the enforcement of various conservation statutes. The final rule was published in the **Federal Register** on Wednesday, November 4, 1998 (63 FR 59474) and was effective upon publication.

EFFECTIVE DATE: November 4, 1998.

FOR FURTHER INFORMATION CONTACT: Blane A. Workie, Office of the General Counsel, C-50, (202) 366-4723, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The final rule amending 49 CFR Part 1, erroneously amends § 1.46 by adding paragraph (ooo) to reflect the delegation of the Secretary's authority pertaining to the enforcement of various conservation statutes to the Commandant of the Coast Guard. The paragraph should have been designated as paragraph (ppp) rather than paragraph (ooo). This correction is to rectify this mistake.

Issued in Washington, D.C., this 19th day of January, 1999 under authority delegated to me by 49 CFR Part 1, § 1.57 (l).

Nancy E. McFadden,

General Counsel.

Accordingly, in final rule, FR Doc. 98-29517, published on November 4, 1998 (63 FR 59474), make the following correction:

PART 1—[CORRECTED]

§ 1.46 [Corrected]

On page 59475, in this first column, in § 1.46, paragraph (ooo) is correctly designated as paragraph (ppp).

[FR Doc. 99-1633 Filed 1-25-99; 8:45 am]

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