

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[UT10-1-6700a; UT-001-0014a; UT-001-0015a; FRL-6340-1]

**Approval and Promulgation of Air Quality Implementation Plans; Utah; Foreword and Definitions, Revision to Definition for Sole Source of Heat and Emissions Standards, Nonsubstantive Changes; General Requirements, Open Burning and Nonsubstantive Changes; and Foreword and Definitions, Addition of Definition for PM<sub>10</sub> Nonattainment Area**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule; withdrawal.

**SUMMARY:** On March 26, 1999, EPA published a direct final rule (64 FR 14620) approving, and an accompanying proposed rule (62 FR 26463) proposing to approve, revisions submitted by the Governor of the State of Utah on July 11, 1994, February 6, 1996 and July 9, 1998. These revisions contain requirements for residential solid fuel burning and open burning, and add a definition for "PM<sub>10</sub> Nonattainment Area" to the SIP. We are withdrawing this final rule due to adverse comment received from the Utah Petroleum Association on the portion of this action approving the "PM<sub>10</sub> Nonattainment Area" definition. In a subsequent final rule, we will summarize and respond to the comment received and take final rulemaking action on this requested Utah SIP revision.

**DATES:** As of May 11, 1999, we withdraw the direct final rule published on March 26, 1999.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202.

**FOR FURTHER INFORMATION CONTACT:** Cindy Rosenberg, EPA, Region VIII, (303) 312-6436.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: April 30, 1999.

**Patricia D. Hull,**

*Acting Regional Administrator, Region VIII.*  
[FR Doc. 99-11829 Filed 5-10-99; 8:45 am]

BILLING CODE 6560-50-P

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****48 CFR Parts 1815, 1816, 1819, and 1852****Small Disadvantaged Business Participation Evaluation and Incentives**

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This final rule conforms the NASA FAR Supplement (NFS) to recent changes made to the Federal Acquisition Regulation (FAR) regarding the evaluation and incentive for small disadvantaged business (SDB) participation in competitive negotiated acquisitions. Specifically, this rule requires that evaluation of SDB participation be limited to SDBs in the Major SIC Groups designated by the Department of Commerce, and that it be accomplished normally as a subfactor under the NASA Mission Suitability evaluation factor. This rule also limits incentives for use of SDB firms to an award fee provision or the designated FAR incentive clause provision. Moreover, both incentives are limited to use of SDBs in the designated Major SIC Groups. This rule also makes editorial revisions to reflect recent FAR terminology and clause title changes associated with implementation of the Historically Underutilized Business Zone (HUBZone) Empowerment Contracting Program. Finally, editorial changes are made to correct a NASA official's title and to eliminate an erroneous designation of the NASA Mentor-Protege program as a pilot program.

**EFFECTIVE DATE:** May 11, 1999.

**FOR FURTHER INFORMATION CONTACT:** Tom O'Toole, NASA Headquarters, Code HK, Washington, DC 20546, telephone: (202) 358-0478; email: [thomas.otoole@hq.nasa.gov](mailto:thomas.otoole@hq.nasa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Federal Acquisition Circular 97-07 revised the FAR to prescribe procedures for the evaluation and incentive of SDB participation in Government contracts. With respect to evaluation, it required that the proposed participation of SDBs in the Department of Commerce designated Major SIC Groups be evaluated in unrestricted competitive negotiations expected to exceed \$500,000 (\$1,000,000 for construction). In addition, two forms of post-award incentives for use of SDBs in the designated SIC Major Groups were prescribed: the clause at 52.219-26,

Small Disadvantaged Business Participation Program—Incentive Subcontracting, or an award fee provision. NASA procedures for award fee already required evaluation of SDB utilization, but needed revision to limit evaluation to SDBs in the designated Major SIC Groups.

**Impact***Regulatory Flexibility Act*

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98-577, and publication for comments is not required. However, comments from small business entities concerning the affected NFS coverage will be considered in accordance with 5 U.S.C. 610. Such comments may be submitted separately and should cite 5 U.S.C. 601, *et seq.*

*Paperwork Reduction Act*

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose any recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public that 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 1815, 1816, 1819, and 1852**

Government procurement.

**Tom Luedtke,**

*Acting Associate Administrator for Procurement.*

Accordingly, 48 CFR Parts 1815, 1816, 1819, and 1852 are amended as follows:

**PART 1815—CONTRACTING BY NEGOTIATION**

1. The authority citation for 48 CFR Parts 1815, 1816, 1819, and 1852 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

2. In section 1815.304, the section heading is revised and paragraph (c) is added to read as follows:

**1815.304 Evaluation factors and significant subfactors. (NASA supplements paragraph (c))**

(c)(4)(A) The extent of participation of small disadvantaged business (SDB) concerns shall be evaluated as a subfactor under the Mission Suitability factor. If a Mission Suitability factor is not used, the SDB participation shall be evaluated as a separate factor or subfactor, as appropriate.

(B) SDB concerns that choose the FAR 19.11 price evaluation adjustment shall receive the lowest possible score/rating under the FAR 15.304(c)(4) evaluation.