

States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. The rules are not "major" rules as defined by 5 U.S.C. 804(2).

#### H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

#### I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit March 13, 2000. Filing a petition for reconsideration by the Administrator of the final rules does not affect the finality of the rules for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rules or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

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

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: November 18, 1999.

**Laura Yoshii,**

*Deputy Regional Administrator, Region IX.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(179)(i)(H), (c)(199)(i)(E)(2), (c)(203), (c)(225)(i)(C) introductory text, and (c)(225)(i)(G) to read as follows:

(c) \* \* \*  
(179) \* \* \*  
(i) \* \* \*

(H) South Coast Air Quality Management District.

(1) Rule 1109 adopted on March 12, 1984 and amended on August 5, 1988.

\* \* \* \* \*  
(199) \* \* \*  
(i) \* \* \*  
(E) \* \* \*

(2) Rule 2.32 adopted on August 10, 1994.

\* \* \* \* \*

(203) New and amended regulations for the following APCDs were submitted on October 20, 1994, by the Governor's designee.

(i) Incorporation by reference.

(A) El Dorado County Air Pollution Control District.

(1) Rule 233 adopted on October 18, 1994.

\* \* \* \* \*  
(225) \* \* \*  
(i) \* \* \*

(C) El Dorado County Air Pollution Control District.

\* \* \* \* \*

(G) Ventura County Air Pollution Control District.

(1) Rule 74.15.1 revised on June 13, 1995.

\* \* \* \* \*

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#### DEPARTMENT OF DEFENSE

#### 48 CFR Parts 205 and 253

[DFARS Case 99-D029]

#### Defense Federal Acquisition Regulation Supplement; Paid Advertisements

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** The Acting Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to eliminate a requirement for contracting officers to use a specific form when requesting approval to advertise in newspapers. DoD has determined that use of the form is no longer necessary.

**EFFECTIVE DATE:** January 13, 2000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUUSD (AT&L) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-4245; telefax (703) 602-0350. Please cite DFARS Case 99-D029.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

DFARS 205.502 has required DoD contracting activities to use DD Form 1535, Request/Approval for Authority to Advertise, to document approval for the publication of paid advertisements in newspapers. DoD has determined that use of a specific form for this purpose is no longer necessary. Therefore, this final rule amends DFARS 205.502 and Part 253 to remove references to the form.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

##### B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 99-D029.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements 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 205 and 253

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR Parts 205 and 253 are amended as follows:

1. The authority citation for 48 CFR Parts 205 and 253 continues to read as follows:

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

#### PART 205—PUBLICIZING CONTRACT ACTIONS

2. Section 205.502 is amended by revising paragraph (a)(ii) to read as follows:

**205.502 Authority.**

\* \* \* \* \*

(a) \* \* \*

(ii) Before advertising in newspapers, the contracting officer must obtain written approval from the agency official designated in accordance with paragraph (a)(i) of this section.

**PART 253—FORMS**

3. The note at the end of Part 253 is amended by removing the entry "253.303-1535 Request/Approval for Authority to Advertise."

[FR Doc. 00-763 Filed 1-12-00; 8:45 am]

BILLING CODE 5000-04-M

**DEPARTMENT OF DEFENSE****48 CFR Parts 209, 243, and 252**

[DFARS Case 99-D303]

**Defense Federal Acquisition Regulation Supplement; Institutions of Higher Education**

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

**SUMMARY:** The Acting Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 549 of the National Defense Authorization Act for Fiscal Year 2000. Section 549 amends statutory provisions pertaining to the denial of Federal contracts and grants to institutions of higher education that prohibit Senior Reserve Officer Training Corps units or military recruiting on campus.

DATES: *Effective date:* January 13, 2000.

*Comment date:* Comments on the interim rule should be submitted in writing to the address shown below on or before March 13, 2000, to be considered in the formation of the final rule.

**ADDRESSES:** Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (AT&L) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax (703) 602-0350.

E-mail comments submitted via the Internet should be addressed to: [dfars@acq.osd.mil](mailto:dfars@acq.osd.mil)

Please cite DFARS Case 99-D303 in all correspondence related to this rule. E-mail comments should cite DFARS Case 99-D303 in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, (703) 602-0288.

**SUPPLEMENTARY INFORMATION:****A. Background**

This interim rule revises DFARS 209.470, 243.105, and 252.209-7005 to implement Section 549 of the National Defense Authorization Act for Fiscal Year 2000 (Pub. L. 106-65). Section 549 amends 10 U.S.C. 983 to prohibit DoD from providing funds by contract or grant to an institution of higher education (including any subelement of that institution) if the Secretary of Defense determines that the institution (or any subelement of the institution) has a policy or practice that prohibits, or in effect prevents, Senior Reserve Officer Training Corps (ROTC) units or military recruiting on campus.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

**B. Regulatory Flexibility Act**

DoD does not expect this rule 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 applies only to institutions of higher education that prohibit Senior ROTC units or military recruiting on campus. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 99-D303.

**C. Paperwork Reduction Act**

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

**D. Determination to Issue an Interim Rule**

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 549 of the National Defense Authorization Act for Fiscal Year 2000. Section 549 amends statutory provisions pertaining to the denial of Federal contracts and grants to institutions of higher education that prohibit Senior ROTC units or military recruiting on campus. Section 549 became effective

on October 5, 1999. DoD will consider comments received in response to this interim rule in the formation of the final rule.

**List of Subjects in 48 CFR Parts 209, 243, and 252**

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 209, 243, and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 209, 243, and 252 continues to read as follows:

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

**PART 209—CONTRACTOR QUALIFICATIONS**

2. Sections 209.470 through 209.470-3 are revised and section 209.470-4 is added to read as follows:

**209.470 Reserve Officer Training Corps and military recruiting on campus.****209.470-1 Definition.**

*Institution of higher education*, as used in this section, means an institution that meets the requirements of 20 U.S.C. 1001 and includes all subelements of such an institution.

**209.470-2 Policy.**

(a) Except as provided in paragraph (b) of this subsection, 10 U.S.C. 983 prohibits DoD from providing funds by contract or grant to an institution of higher education if the Secretary of Defense determines that the institution has a policy or practice that prohibits or in effect prevents—

(1) The Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (ROTC) at that institution;

(2) A student at that institution from enrolling in a unit of the senior ROTC at another institution of higher education;

(3) The Secretary of a military department or the Secretary of Transportation from gaining entry to campuses, or access to students on campuses, for purposes of military recruiting; or

(4) Military recruiters from accessing certain information pertaining to students enrolled at that institution.

(b) The prohibition in paragraph (a) of this subsection does not apply to an institution of higher education if the Secretary of Defense determines that—

(1) The institution has ceased the policy or practice described in paragraph (a) of this subsection; or