

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR § 52.2565
[45 CSR] Series 1 .....	Control and Reduction of Nitrogen Oxides From Non-Electric Generating Units As a means to Mitigate Transport of Ozone Precursors			
Section 45–1–1 .....	General .....	5/1/06	9/28/06, 71 FR 58661	
Section 45–1–2 .....	Definitions .....	5/1/06	9/28/06, 71 FR 58661	
Section 45–1–3 .....	Acronyms .....	5/1/06	9/28/06, 71 FR 58661	
Section 45–1–4 .....	NO <sub>x</sub> Budget Trading Program Applicability .....	5/1/06	9/28/06, 71 FR 58661	
Section 45–1–5 .....	Retired Unit Exemption .....	5/1/06	9/28/06, 71 FR 58661	
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Section 45–1–22 .....	Information Requirements for NO <sub>x</sub> Budget Permit Applications.	5/1/06	9/28/06, 71 FR 58661	
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Section 45–1–70 .....	General Monitoring Requirements .....	5/1/06	9/28/06, 71 FR 58661	
Section 45–1–71 .....	Initial Certification and Recertification Procedures .....	5/1/06	9/28/06, 71 FR 58661	
Section 45–1–72 .....	Out of Control Periods .....	5/1/06	9/28/06, 71 FR 58661	
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Section 45–1–74 .....	Recordkeeping and Reporting .....	5/1/06	9/28/06, 71 FR 58661	
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Section 45–1–89 .....	Appeal Procedures .....	5/1/06	9/28/06, 71 FR 58661	New Section
Section 45–1–90 .....	Requirements for Stationary Internal Combustion Engines.	5/1/06	9/28/06, 71 FR 58661	New Section.
Section 45–1–100 .....	Requirements for Emissions of NO <sub>x</sub> from Cement Manufacturing Kilns.	5/1/06	9/28/06, 71 FR 58661	
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 [FR Doc. E6–20291 Filed 11–30–06; 8:45 am]  
 BILLING CODE 6560–50-P

**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Part 201**

**RIN 0750–AF30**

**Defense Federal Acquisition Regulation Supplement; Contracting Officers’ Representatives (DFARS Case 2005–D022)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to the designation of a contracting officer’s representative. The rule clarifies the authority of a contracting officer’s representative and relocates text to the DFARS companion resource, Procedures, Guidance, and Information.

**DATES:** *Effective Date:* December 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robin Schulze, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; facsimile (703) 602–0350. Please cite DFARS Case 2005–D022.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

This final rule revises DFARS text addressing contracting officers’ representatives. The DFARS changes—

- Clarify the authority of a contracting officer’s representative; and
- Remove internal DoD procedures relating to the designation of a contracting officer’s representative. Text on this subject has been relocated to the DFARS companion resource,

Procedures, Guidance, and Information (PGI), available at <http://www.acq.osd.mil/dpap/dars/pgi>.

DoD published a proposed rule at 71 FR 27659 on May 12, 2006. One source submitted comments on the proposed rule. That source recommended revising the rule at 201.602–2(2)(v) to require that the contracting officer include a copy of the written designation of the contracting officer’s representative in the official contract file. DoD agrees with the recommended requirement for file documentation, but, since this is an

administrative matter internal to the Government, DoD has added the requirement to the corresponding text at PGI 201.602–2. DoD has adopted the proposed DFARS rule as a final rule without change.

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 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 the rule addresses internal DoD procedural matters and makes no significant change to DoD contracting policy.

**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 Part 201**

Government procurement.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

■ Therefore, 48 CFR part 201 is amended as follows:

**PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM**

■ 1. The authority citation for 48 CFR part 201 continues to read as follows:

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

■ 2. Section 201.602–2 is revised to read as follows:

**201.602–2 Responsibilities.**

(1) Follow the procedures at PGI 201.602–2 regarding designation of a contracting officer's representative (COR).

(2) A COR—

(i) Must be a Government employee, unless otherwise authorized in agency regulations;

(ii) Must be qualified by training and experience commensurate with the responsibilities to be delegated in accordance with department/agency guidelines;

(iii) May not be delegated responsibility to perform functions at a contractor's location that have been delegated under FAR 42.202(a) to a contract administration office;

(iv) Has no authority to make any commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of the contract; and

(v) Must be designated in writing, and a copy furnished the contractor and the contract administration office—

(A) Specifying the extent of the COR's authority to act on behalf of the contracting officer;

(B) Identifying the limitations on the COR's authority;

(C) Specifying the period covered by the designation;

(D) Stating the authority is not redelegable; and

(E) Stating that the COR may be personally liable for unauthorized acts. [FR Doc. E6–20393 Filed 11–30–06; 8:45 am]

**BILLING CODE 5001–08–P**

**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Part 208****Defense Federal Acquisition Regulation Supplement; Technical Amendment**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is making a technical amendment to the Defense Federal Acquisition Regulation Supplement (DFARS) to update a reference number within the DFARS text.

**DATES:** *Effective Date:* December 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Michele Peterson, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350.

**SUPPLEMENTARY INFORMATION:** This final rule amends DFARS 208.7003–2(a) by updating a reference to a section of the Federal Acquisition Regulation.

**List of Subjects in 48 CFR Part 208**

Government procurement.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

■ Therefore, 48 CFR part 208 is amended as follows:

**PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES**

■ 1. The authority citation for 48 CFR part 208 continues to read as follows:

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

**208.7003–2 [Amended]**

■ 2. Section 208.7003–2 is amended in paragraph (a) by removing “8.001” and adding in its place “8.002”.

[FR Doc. E6–20397 Filed 11–30–06; 8:45 am]

**BILLING CODE 5001–08–P**

**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Parts 212, 232, and 252**

[DFARS Case 2004–D033]

**Defense Federal Acquisition Regulation Supplement; Levy on Payments to Contractors**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD has adopted as final, with changes, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to address the effect of Internal Revenue Service (IRS) levies on contract payments. The rule requires DoD contractors to promptly notify the contracting officer if a levy may result in an inability to perform a contract.

**DATES:** *Effective Date:* December 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bill Sain, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0293; facsimile (703) 602–0350. Please cite DFARS Case 2004–D033.

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

DoD published an interim rule at 70 FR 52031 on September 1, 2005, addressing policy and procedures that apply when an IRS levy may result in a contractor's inability to perform a DoD contract. DoD received comments from 6 sources in response to the interim rule. DoD considered all comments and has incorporated the following changes in the final rule:

DFARS 212.301(f)—Addition of a prescription for use of the clause at 252.232–7010, Levies on Contract Payments, in contracts for the acquisition of commercial items.

DFARS 232.7101 and 252.232–7010—Clarification that the requirement for the contractor to notify the contracting officer applies in situations where the levy may result in an “inability to perform the contract.” This change eliminates the term “jeopardize contract performance,” since that term may be understood as establishing a different standard than causing an inability to perform.

DFARS 232.7102—Exclusion of micro-purchases from the requirement to use the clause at 252.232–7010.