

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends the clause at DFARS 252.225-7007 to add Hong Kong to the list of countries designated under the Trade Agreements Act of 1979, as directed by the United States Trade Representative. The accession of Hong Kong to the World Trade Organization Government Procurement Agreement became effective on June 19, 1997.

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, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 97-D023 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply. The final rule does not impose any reporting or recordkeeping requirements that require Office of Management and Budget approval under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 252 is amended as follows:

1. The authority citation for 48 CFR Part 252 continues to read as follows:

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

**PART 252—SOLICITATION
PROVISIONS AND CONTRACT
CLAUSES**

252.225-7007 [Amended]

2. Section 252.225-7007 is amended by revising the clause date to read "(JUL 1997)"; and in paragraph (a)(4) by adding, in alphabetical order, the name "Hong Kong" to the list of countries.

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**ENVIRONMENTAL PROTECTION
AGENCY****48 CFR Parts 1514, 1515, and 1552**

[FRL-5850-3]

**Acquisition Regulation: Administrative
Amendments**

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending the EPA Acquisition Regulation (EPAAR) (48 CFR Chapter 15) to parallel corresponding Federal Acquisition Regulation (FAR) sections, and to make other administrative changes.

DATES: Effective July 11, 1997.

FOR FURTHER INFORMATION CONTACT: Louise Senzel, Environmental Protection Agency, Office of Acquisition Management (3802F), 401 M Street, SW, Washington, D.C. 20460. Telephone: (202) 260-6204.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends the EPAAR to parallel corresponding FAR sections, and make other administrative changes.

B. Executive Order 12866

The final 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.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final 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 final rule does not exert a significant economic impact on a substantial number of small entities. The requirements to contractors under the final rule impose no reporting, record-keeping, or any compliance costs.

E. Unfunded Mandates

This final rule will not impose unfunded mandates on state or local entities, or others.

**List of Subjects in 48 CFR Parts 1514,
1515, and 1552**

Government procurement.

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).

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

1. The authority citations for Parts 1514, 1515, and 1552 continue to read as follows:

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

2. Section 1514.205 is amended by adding text to read as follows:

1514.205 Solicitation mailing lists.

When a solicitation and all amendments are posted on the Internet with a synopsis providing information as to how to access the solicitation and all amendments, the CO will need to maintain a mailing list of only those individuals requesting paper copies from the contract service center/branch. When possible, the CO should also build an electronic "mailing list" of companies downloading the solicitation from the Internet.

1515.604 [Amended]

3. Section 1515.604 is amended by revising in paragraph (a) the phrase "Source Evaluation Board, the Technical Evaluation Panel (TEP), and the Business Evaluation Panel (BEP);" to read "Source Evaluation Board and the Technical Evaluation Panel (TEP);" and removing paragraph (d).

4. Section 1515.612 is amended to remove the term "and BEP" in paragraph (a), remove paragraphs (a)(1) (vi) and (vii), revise paragraphs (a)(2) introductory text and (a)(2)(iii), add (a)(3), and revise paragraph (c):

1515.612 Formal source selection.

(a) * * *

(2) Acquisitions having a potential value exceeding \$5,000,000 to \$25,000,000:

* * * * *

(iii) TEP chairpersons and memberships shall be constituted as in paragraph (a)(1) (iv) and (v) of this section.

(3) Acquisitions having a potential value of \$5,000,000 or less:

(i) SSO—The CO.

(ii) SEB—An SEB may be established only when requested by the program office or determined necessary by the SSO. The SSO shall determine the organizational levels of the individuals to serve on the SEB.

(iii.) TEP—chairpersons and memberships shall be constituted as in paragraph (a)(1) (iv) and (v) of this section. At the request of the program office, it may only be the PO.

* * * * *

(c) *Source Selection Plan.* The CO must describe the scoring system to be

used in evaluating the proposals if the numerical scoring system described at 1515.608(a)(1) is not used.

5. Section 1552.217-73, Option for Increased Quantity—Cost Type Contract is amended by designating in the clause the existing two paragraphs as (a) and (b), and adding a paragraph (c) at the end of the clause reading as follows:

1552.217-73 Option for Increased Quantity—Cost Type Contract.

* * * * *

Option For Increased Quantity—Cost Type Contract (APR 1984)

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(c) If this contract contains “not to exceed amounts” for elements of other direct costs (ODCs), those amounts will be increased as follows:

Other direct cost item	Option 1	Option 2

6. Section 1552.217-74, Option For Increased Quantity—Cost-Plus-Award Fee Contract is amended by designating in the clause the existing two paragraphs as (a) and (b), and adding a paragraph (c) at the end of the clause reading as follows:

1552.217-74 Option for Increased Quantity—Cost-Plus Award Fee Contract.

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Option For Increased Quantity—Cost-Plus-Award Fee Contract (APR 1984)

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(c) If this contract contains “not to exceed amounts” for elements of other direct costs (ODCs), those amounts will be increased as follows:

Other direct cost item	Option 1	Option 2

Dated: June 17, 1997.

Betty L. Bailey,

Director, Office of Acquisition Management.
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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket HM-224A; Notice No. 97-5]

RIN 2137-AD02

Hazardous Materials: Shipping Description and Packaging of Oxygen Generators; Notice of Public Meeting

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of public meeting.

SUMMARY: On July 23, 1997, RSPA will meet with representatives of the Boeing Company and other interested parties to discuss requirements concerning the transportation of chemical oxygen generators, including the shipping description and packaging of these generators, as issued by RSPA in final rules on June 5 and 27, 1997. Any interested party is welcome to attend this meeting.

DATES: *Public Meeting.* The public meeting will be held on July 23, 1997 beginning at 12:30 p.m.

ADDRESSES: *Public Meeting.* The public meeting will be held in meeting facilities of the Boeing Company in Renton, Washington, at Longacres Park, in the T.A. Wilson Conference Room in Building 25-01.

FOR FURTHER INFORMATION CONTACT: Mr. Nels Johansen of the Boeing Company concerning more particular details in regard to the July 23, 1997 meeting: Telephone 206-662-9707, E-mail Nels.Johansen@PSS.Boeing.com. Questions concerning the requirements for transporting chemical oxygen generators may be addressed to Dr. Richard Tarr, Office of Hazardous Materials Exemptions and Approvals, RSPA, 400 Seventh Street, SW., Washington, DC 20590-0001; telephone (202) 366-4496, E-mail richard.tarr@rspa.dot.gov.

SUPPLEMENTARY INFORMATION: On June 5, 1997, RSPA published a final rule in the **Federal Register** (62 FR 30767) which amended the requirements in the Hazardous Materials Regulations (HMR), 49 CFR parts 171-180, concerning the transportation of chemical oxygen generators. On June 27, 1997, RSPA published a subsequent

final rule correction (62 FR 34667) which made editorial corrections and clarifications in addition to delaying the mandatory compliance date.

Effective August 7, 1997, the shipping description, “Oxygen generator, chemical, 5.1, UN 3356, II,” must be used. After September 30, 1997, a chemical oxygen generator that is shipped with its means of initiation attached must incorporate at least two positive means of preventing unintentional activation of the generator, and must be classed and approved by RSPA’s Associate Administrator for Hazardous Materials Safety. Each person who offers a chemical oxygen generator for transportation after September 30, 1997, shall: (1) Ensure that it is offered in conformance with conditions of the approval; (2) maintain a copy of the approval at each facility where the chemical oxygen generator is packaged; and (3) mark the approval number on the outside of the package.

A chemical oxygen generator may not be transported as cargo on a passenger-carrying aircraft. When transported by cargo-only aircraft, a chemical oxygen generator must conform to the provisions of the approval issued by RSPA’s Associate Administrator for Hazardous Materials Safety and must be contained in a packaging prepared and originally offered for transportation by the approval holder.

RSPA has received numerous questions on these requirements, including procedures for obtaining approvals, since these requirements were adopted in the final rules issued on June 5 and 27, 1997. RSPA has accepted an invitation to meet with representatives of the Boeing Company to discuss these requirements on July 23, 1997, in Renton, Washington. Any interested party may participate in this meeting. It is suggested that interested parties contact Mr. Nels Johansen for more specific details in regard to the meeting location.

Issued in Washington, DC on July 8, 1997, under authority delegated in 49 CFR, part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

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