

a. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

b. The accuracy of the agency's estimate of the burden of the information collection, including the validity of the methodology and assumption used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or forms of information technology.

2. *Title, Associated Form, and OMB Number:* Contract Modifications—Defense Federal Acquisition Regulation Supplement Part 243 and Associated Clauses at 252.243; OMB Number 0704-0397.

3. *Needs and Uses:* The information collection required by the clause at 252.243-7002, Certification of Requests for Equitable Adjustment, is required by 10 U.S.C. 2410(a). The information is used by DoD contracting officers and auditors to evaluate requests for equitable adjustment.

4. *Affected Public:* Businesses or other for profit or not-for-profit entities.

5. *Annual Burden Hours:* 3,850.

6. *Number of Respondents:* 575.

7. *Responses Per Respondent:* 1.

8. *Number of Responses:* 575.

9. *Average Burden Per Response:* 6.7 hours.

10. *Frequency:* On occasion.

11. *Supplementary Information:* The clause at DFARS 252.243-7002 requires contractors to certify that requests for equitable adjustment that exceed the simplified acquisition threshold are made in good faith and that the supporting data are accurate and complete, and to provide full disclosure of all relevant facts in support of the requested adjustment.

List of Subjects in 48 CFR Parts 235, 243, and 252

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 235, 243, and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 235, 243, and 252 continues to read as follows:

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

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

235.7006 [Amended]

2. Section 235.7006 is amended in paragraph (d), in the Exhibit-Research and Development Streamlined Contract Format, by adding at the end of Part II, Section I, the entry "(I.211) 252.243-7002 Certification of Requests for Equitable Adjustment".

PART 243—CONTRACT MODIFICATIONS

3. Section 243.204-70 is added to read as follows:

243.204-70 Certification of requests for equitable adjustment.

(a) A request for equitable adjustment to contract terms that exceeds the simplified acquisition threshold may not be paid unless the contract certifies the request in accordance with the clause at 252.243-7002.

(b) The aggregate amount of both the increased and decreased costs shall be used in determining when the dollar threshold requiring certification is met (see example in FAR 15.804-2(a)(1)(iii)).

4. Section 243.205-72 is added to read as follows:

243.205-72 Certification of requests for equitable adjustment.

Use the clause at 252.243-7002, Certification of Requests for Equitable Adjustment, in solicitations and contracts estimated to exceed the simplified acquisition threshold.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.212-7001 [Amended]

5. Section 252.212-7001 is amended by revising the clause date to read "(JUL 1997)"; and in paragraph (b) by adding, in numerical order, the entry "____ 252.243-7002 Certification of Requests for Equitable Adjustment (10 U.S.C. 2410)".

6. Section 252.243-7002 is added to read as follows:

252.243-702 Certification of Requests for Equitable Adjustment.

As prescribed in 243.205-72, use the following clause:

Certification of Requests for Equitable Adjustment (July 1997)

(a) In accordance with 10 U.S.C. 2410(a), any request for equitable adjustment to contract terms that exceeds the simplified acquisition threshold shall bear, at the time of submission, the following certificate executed by an individual authorized to certify the request on behalf of the Contractor:

I certify that the request is made in good faith, and that the supporting data are accurate and complete to the best of my knowledge and belief.

(Official's Name)

(Title)

(b) The certification in paragraph (a) of this clause requires full disclosure of all relevant facts, including—

(1) Cost or pricing data if required in accordance with FAR 15.804-2; and

(2) Actual cost data and data to support any estimated costs, even if cost of pricing data are not required.

(c) The certification requirement in paragraph (a) of this clause does not apply to—(1) Requests for routine contract payments; for example, requests for payment for accepted supplies and services, routine vouchers under a cost-reimbursement type contract, or progress payment invoices; or (2) Final adjustments under an incentive provision of the contract.

(d) The amount requested shall accurately reflect the contract adjustment for which the Contractor believes the Government is liable. The request shall include only costs for performing the change, and shall not include any costs that already have been reimbursed or that have been separately claimed. All indirect costs included in the request shall be properly allocable to the change in accordance with applicable acquisition regulations.

(End of clause)

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DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 97-D023]

Defense Federal Acquisition Regulation Supplement; Designation of Hong Kong

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add Hong Kong as a designated country under the Trade Agreements Act of 1979, as directed by the United States Trade Representative.

EFFECTIVE DATE: July 11, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131. Telefax (703) 602-0350. Please cite DFARS Case 97-D023.

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.

[FR Doc. 97-18220 Filed 7-10-97; 8:45 am]

BILLING CODE 5000-04-M

**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