The BAAQMD staff report for Rule 8–3 states that the rule amendments will not change any existing VOC limits. EPA has evaluated the submitted rule and has determined that it is enforceable and strengthens the applicable SIP. Therefore, Bay Area Air Quality Management District Rule 8–3, Architectural Coatings is being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and pursuant to EPA's authority under section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and 301 of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7671q.

Dated: November 23, 1997.

Felicia Marcus,

Regional Administrator.

[FR Doc. 97–32043 Filed 12–5–97; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

RIN 1090–AA63

Department Hearings and Appeals Procedures

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This action extends the comment period an additional 60 days on the Department of the Interior's Office of Hearings and Appeals' proposal to amend its rules to provide that, except as otherwise provided by law or other regulation, a decision will be stayed, if it is appealed, until there is a dispositive decision on the appeal.

DATES: Comments are due to the agency on or before February 6, 1998.

ADDRESSES: Send written comments to Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Comments received will be available for public inspection during regular business hours (9 a.m. to 5 p.m.) in the Office of the Director, Office of Hearings and Appeals, 11th Floor, 4015 Wilson Boulevard, Arlington, VA. Persons wishing to inspect comments are requested to call in advance at (703) 235–3810 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Bruce Harris, Deputy Chief Administrative Judge, Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Telephone: (703) 235–3750.

SUPPLEMENTARY INFORMATION: On August 19, 1997, the Department of the Interior proposed to amend the regulation contained at 43 CFR 4.21 (August 28, 1997, 62 FR 45606). Comments to this proposed rule were to be received on or before September 29, 1997.

On October 3, 1997, the Department of the Interior extended the comment period an additional 60 days until December 2, 1997, in response to requests received from the National Mining Association and the Rocky Mountain Oil and Gas Association (RMOGA). (62 FR 51822).

The Director of the Office of Hearings and Appeals (OHA) received several letters requesting an additional extension of the comment period beyond December 2, 1997. In a letter dated November 21, 1997, RMOGA requested an additional 45-day extension of the comment period, to allow for receipt of data requested in a Freedom of Information Act (FOIA) request, and full analysis of the data and preparation of a thoughtful response to the proposed change. In addition, by letter dated November 19, 1997, ARCO Permian, a member of RMOGA, requested additional time to respond after review of the response to the RMOGA's FOIA request. By letter dated November 25, 1997, the Natural Gas Supply Association, the Mid-Continent Oil and Gas Association, the Domestic Petroleum Council, the National Ocean

Industries Association, the Independent Petroleum Association of America, and the American Petroleum Institute requested a 60-day extension of the comment period to allow time for a complete and extensive analysis of the impact of adoption of this proposal on normal and planned activities by the oil and gas industry onshore and offshore, particularly in light of the Bureau of Land Management's (BLM's) proposed rulemaking published in the **Federal Register** on October 17, 1996. Finally, by letter dated November 24, 1997, Senator Frank H. Murkowski, Senator Larry E. Craig, and Senator Craig Thomas of the United States Senate Committee on Energy and Natural Resources, strongly urged the Director of OHA to extend the comment period for an additional 60 days, to allow the Committee to host a meeting with constituents to discuss the proposed change to 43 CFR 4.21 and the material requested by RMOGA under the Freedom of Information Act, as well as BLM's proposed rule to modify its appeal regulation.

The OHA has determined that an extension of time to obtain additional comments on the proposed rule is warranted and, therefore, the requested extension is granted. This notice announces that 60-day extension to the comment period.

Dated: December 2, 1997.

Barry E. Hill,

Director.

[FR Doc. 97–31963 Filed 12–5–97; 8:45 am]

BILLING CODE 4310–RK–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1843 and 1852

Equitable Adjustments Under Contracts for Construction, Dismantling, Demolishing, or Removing Improvements

AGENCY: Office of Procurement, Contract Management Division, National Aeronautics and Space Administration (NASA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This is a proposed rule amending the NASA Federal Acquisition Regulation Supplement (NFS) to set forth a clause that may be used for equitable adjustments under contracts for construction, and dismantling, demolishing, or removing improvements that are contemplated to be fixed-price and exceed the simplified acquisition threshold.

DATES: Comments must be received on or before February 6, 1998.

ADDRESSES: Submit comments to Mr. Joseph Le Cren, NASA Headquarters, Code HK, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Le Cren, Telephone: (202) 358–0444.

SUPPLEMENTARY INFORMATION:

Background

Some NASA field installations have used clauses containing ceilings on indirect costs and profit as a means for handling equitable adjustments under construction contracts. Instead of each installation using its own clause, there is a consensus that it would be in both NASA's and the contractors' interests to have a standard clause to establish greater consistency throughout the agency. The proposed clause also would reduce the administrative burden associated with the development of an equitable adjustment clause on an installation-by-installation or contract-by-contract basis.

Neither the use of the proposed clause nor the language contained in it would be mandatory. This flexibility is being provided so that the clause is used only when it is considered appropriate and to allow for differences, such as in terminology, that exist in the construction industry in different parts of the United States. The ceiling indirect cost and profit rates contained in the clause, although not mandatory, are benchmarks as to what is generally considered reasonable. The rates are considered reasonable based on NASA's experience with equitable adjustments for construction. In addition, the ceiling rates contained in the proposed clause are the same as those that have been used for many years by both the General Services Administration and the Department of Veterans Affairs. The rates used by these agencies have significance since they have much larger construction budgets than NASA.

Impact

NASA certifies that this proposed regulation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1843 and 1852

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1843 and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1843 and 1852 continues to read as follows:

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

PART 1843—CONTRACT MODIFICATIONS

1843.205–70 [Amended]

2. In section 1843.205–70, the designated paragraphs (a), (b), and (c) are redesignated as paragraphs (a)(1), (2) and (3), and a new paragraph (b) is added to read as follows:

1843.205–70 NASA contract clause.

* * * * *

(b) the contracting officer may insert a clause substantially as stated at 1852.243–72, Equitable Adjustments, in solicitations and contracts for—

(1) Dismantling, demolishing, or removing improvements; or

(2) Construction, when the contract amount is expected to exceed the simplified acquisition threshold and a fixed-price contract is contemplated.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1852.243–72 [Added]

3. Section 1852.243–72 is added to read as follows:

1852.243–72 Equitable Adjustments.

As prescribed in 1843.205–70(b), insert the following clause.

Equitable Adjustments

(a) The provisions of all other clauses contained in this contract which provide for an equitable adjustment, including those clauses incorporated by reference with the exception of the ''Suspension of Work'' clause (FAR 52.242–14), are supplemented as follows:

Upon written request, the Contractor shall submit a proposal for review by the Government. The proposal shall be submitted to the contracting officer within the time limit indicated in the request or any extension thereto subsequently granted. The proposal shall provide an itemized breakdown of all increases and decreases in the contract for the Contractor and each subcontractor in at least the following detail: material quantities and costs; direct labor hours and rates for each trade; the associated FICA, FUTA, SUTA, and Workmen's Compensation Insurance; and equipment hours and rates.