at the time that the SIP was submitted and a target APO that is at least 25 percent above the areawide AVO. Employers with more than 100 employees are required to submit compliance plans to the State that convincingly demonstrate that the plan will increase the APO per vehicle in commuting trips between home and the worksite during peak travel periods to a level not less than 25 percent above the areawide AVO for all such trips. Employer notification was scheduled to begin in January 1995. Registration forms, APO surveys, and compliance or maintenance plans will be required from employers 30, 90, and 240 days, respectively, following receipt of the registration packet. Mailing of renewal notices will begin in January 1997.

Substantial penalties that will provide an adequate incentive for employers to comply and are no less than the expected cost of compliance are included in the regulation. USEPA is, therefore, proposing to approve this submittal. Public comments are solicited on the requested SIP revision and on USEPA's proposed rulemaking action. Comments received by March 30, 1995 will be considered in the development of USEPA's final rule.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993, memoran dum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

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 any 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.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA 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, USEPA 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 subchapter I, part D of the 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, I certify 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 10, 1995.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 95–4789 Filed 2–27–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95–27, RM–8582]

Radio Broadcasting Services; Yazoo City, Mississippi

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mississippi College, licensee of Station WHJT(FM), Channel 228A, Clinton, Mississippi, proposing the deletion of vacant Channel 229A at Yazoo City, Mississippi. Any party wishing to express an interest in Channel 229A Yazoo City, Mississippi, should file their expression of interest by the initial comment deadline specified herein.

DATES: Comments must be filed on or before April 17, 1995, and reply comments on or before May 2, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Shaun A. Maher, Smithwick & Belediuk, P.C., 1990 M Street, NW, Suite 510, Washington, D.C. 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–27, adopted February 9, 1995, and released February 23, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–4846 Filed 2–27–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

48 CFR Part 5416

DLA Acquisition Regulation; Type of Contracts

AGENCY: Defense Logistics Agency, DoD.

ACTION: Proposed rule and request for comments.

SUMMARY: The Defense Logistics Agency proposes to add coverage by adding a new part to 48 CFR Chapter 54, the Defense Logistics Acquisition Regulation (DLAR) Part 5416. The proposed coverage affects regulations on the use of solicitation provisions and contract clauses for Economic Price Adjustments (EPA). Comments are hereby requested on the proposed rule. The proposed DLAR coverage expands

the use of EPA based on established prices to encompass industry-wide and geographically based market price references, expands the use of EPA based on indexes to encompass indexes for commercial products or services which are identical or similar to the end products to be provided under the contract, and authorizes the development and use, subject to established agency review and approval procedures, of clauses using EPA references described above. The proposed coverage is being published because it is expected to have an effect beyond the internal operating procedures of DLA and to provide an opportunity for public participation and comment.

DATES: Comments on the proposed DLAR rule must be submitted in writing to the address shown below on or before May 1, 1995, to be considered in the formulation of the final rules.

ADDRESSES: Interested parties should submit written comments to Defense Logistics Agency, Directorate of Procurement, Contract Policy Team (AQPLL), Ms. Melody Reardon, Cameron Station, Alexandria, Virginia 22304–6100 FAX: (703) 274–0310.

FOR FURTHER INFORMATION CONTACT: Melody Reardon, Defense Logistics Agency, AQPLL, (703) 274–6431.

SUPPLEMENTARY INFORMATION:

A. Background

The Defense Fuel Supply Center, a major contracting activity of DLA, has historically utilized a method of price adjustment in the bulk petroleum area using price indexes for the same or similar end products (most recently, actual monthly sales price averages published by the Department of Energy in the Petroleum Marketing Monthly) and using market price assessments for commercial products published in industry trade journals. For the past few years, these EPA clauses have either been approved by the Director, Defense Procurement, or authorized under individual deviations granted by the Executive Director, Procurement, DLA. Deviations were requested because the types of EPA references used in these clause are not specifically recognized under the three general types of EPA references at FAR 16.203. Currently, FAR 16.203–1(a) and its related coverage and clauses, recognize EPA references based on established market or catalog prices of the individual contractor only. The proposed DLAR coverage will expand this to include industry-wide and geographically specific market price assessments and authorize the development and use of clauses on that basis. FAR 16.203–1(c) and its related coverage recognize EPA references based only on indexes for labor or materials. The proposed DLAR coverage would expand this to include indexes for the same or similar commercial end products and authorize the development and use of clauses on that basis.

None of the three EPA types currently encompassed by the FAR are appropriate for many of the competitive procurements of commercial products undertaken by DFSC and other DLA contracting offices. The use of an EPA reference based on an individual contractor's established price or cost of materials is impractical for procurements under which indefinite quantity contracts will be issued. Unique EPA references for each offeror engender relative price variations during the delivery period, making it impossible to determine the most favorable offer at time of award. This creates a significant price risk for the Government and undermines the competitive process. Use of an index based on raw material cost ignores the effect of market conditions which affect producer margins. This creates a price risk for the Government in periods where margins are contracting and for the contractors in periods where the margins are expanding. Such fluctuations can be significant in petroleum markets. Given the need for a common EPA reference, a reference that more closely follows market prices for the end item reduces price risk for both the Government and the contractor. Such references are also more in conformance with commercial practice.

B. Regulatory Flexibility Act

The proposed change is not expected to have 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.* The primary user of the new DLAR coverage will be the Defense Fuel Supply Center, which has been utilizing these types of EPA references since the early 1980s. The proposed rule will therefore not represent a change for small entities doing business with the DFSC. Flexibility is also limited by the need to establish a common EPA reference for competing offerors, as discussed above. Given this need, establishing the reference based on the same or similar end products as being provided under the contract, as opposed to labor or material costs, minimizes the price risk experienced by small entities. An initial regulatory flexibility analysis has not been performed. Comments are invited from small businesses and other interested parties. Comments will also be considered concerning the effect of the proposed rule on small entities in accordance with section 612 of the Act. Such comments must be submitted separately and cite this case in correspondence.

C. Paperwork Reduction Act

The proposed rules do not impose any reporting or record keeping requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 5416

Government procurement.

Therefore, it is proposed that 48 CFR Chapter 54, as proposed in the **Federal Register** (59 FR 21954, April 28, 1994) be amended by adding part 5416 to read as follows:

PART 5416—TYPES OF CONTRACTS

Subpart 5416.2—Fixed Price Contracts

5416.203 Fixed-Price Contracts with Economic Price Adjustment
5416.203–1 Description
5416.203–3 Limitations
5416.203–4 Contract Clauses

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, 48 CFR Part 1, subpart 1.3 and 48 CFR Part 201, subpart 201.3.

Subpart 5416.2—Fixed Price Contracts

5416.203 Fixed Price Contracts with Economic Price Adjustment

5416.203–1 Description.

(a)(S–90) *Adjustments based on established prices.* Established prices may reflect industry-wide and/or geographically based market price fluctuations for commodity groups, specific supplies or services, or contract end items.

(c)(S–90) *Adjustments based on cost indexes of labor or materials.* These price adjustments may also be based on increases or decreases in indexes for commodity groups specific supplies or services, or contract end items.

5416.203–3 Limitations.

(S–90) A fixed price contract with economic price adjustment may also be used to provide for price adjustments authorized in this section.

5416.203–4 Contract clauses.

(S–90) When the contracting officer determines that an existing EPA clause is not appropriate, the contracting officer may develop and use another EPA clause in accordance with 5416.203–1 (a)(S–90) or (c)(S–90). Established prices in such clauses need not be verifiable using the criteria in 48 CFR (FAR) 15.804–3. Established prices

and cost indexes need not reflect changes in the costs or established prices of a specific contractor. The established price or cost index may be derived from sales prices in the marketplace, quotes, or assessments as reported or made available in a consistent manner in a publication, electronic database, or other form, by an independent trade association, Governmental body, or other third party independent of the contractor. More than one established price or cost index may be combined in a formula for economic price adjustment purposes in the absence of an appropriate single price or cost index.

Dated: February 15, 1995.

Margaret J. Janes,

Assistant Executive Director (Procurement Policy).

[FR Doc. 95–4574 Filed 2–27–95; 8:45 am]

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