

regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. EPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless EPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this proposed rule is expected to result in the expenditure by state, local and tribal governments or the private sector of less than \$100 million in any one year, EPA has not prepared a budgetary impact statement or specifically addressed selection of the least costly, most cost-effective or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, EPA is not required to develop a plan with regard to small governments.

List of Subjects in 40 CFR Part 86

Environmental protection, Administrative practice and procedure, Confidential business information, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: March 4, 1997.

Carol M. Browner,
Administrator.

For the reasons set forth in the preamble, part 86 of chapter I, title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), of the Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

§ 86.094–13 [Amended]

2. In § 86.094–13, paragraphs (a)(1), (c)(1), (d)(1), (e)(1), and (f)(1) are amended by revising the words “1994 through 1998” to read “1994 and beyond”.

§ 86.094–26 [Amended]

3. In § 86.094–26, paragraphs (a)(2), (b)(2)(i), and (b)(2)(ii) are amended by revising the words “1994 through 1998” to read “1994 and beyond”.

[FR Doc. 97–5877 Filed 3–10–97; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 92

[FRL–5701–3]

Emission Standards for Locomotives and Locomotive Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Hearing and Additional Information.

SUMMARY: EPA is changing the date on which it will hold the public hearing for the Notice of Proposed Rulemaking (NPRM) that proposed emission standards for locomotives and locomotive engines (published February 11, 1997, 62 FR 6365). EPA is also providing public notice today of the availability of additional information regarding test procedures for locomotives and locomotive engines.

DATES: A public hearing will be held on April 18, 1997, starting at 10:00 a.m. Persons wishing to present oral testimony are requested to notify EPA on or before April 11, 1997 to allow for an orderly scheduling of oral testimony. Written comments must be received on or before May 19, 1997.

ADDRESSES: Written comments are to be addressed to: EPA Air and Radiation Docket, Attention: Docket No. A–94–31, Room M–1500, Mail Code 6102, U.S. EPA, 401 M Street, SW., Washington DC 20460.

A public hearing for the NPRM will be held at the Clarion Hotel (313–665–4444), which is located at 2900 Jackson Road, Ann Arbor, Michigan.

FOR FURTHER INFORMATION CONTACT: For information on this rulemaking contact: Charles Moulis, U.S. EPA, Engine Programs and Compliance Division, 2565 Plymouth Road, Ann Arbor, MI 48105; Telephone: (313) 741–7826, Fax: (313) 741–7816. Requests for hard copies of the rulemaking documents should be directed to Carol Connell at (313) 668–4349.

SUPPLEMENTARY INFORMATION:

Test Procedures

EPA proposed emissions standards and test procedures for new locomotives and new engines used in locomotives on February 11, 1997 62 FR 6365. Today, EPA is announcing the release of additional test procedure information. The Agency has determined that it would be beneficial for the public to made aware of this information, and thus has placed copies of this information in the public docket for this rulemaking. Included in this information is an EPA staff-level document detailing a variation of the proposed set of test procedures. This

variation is being considered by EPA staff for incorporation in the final rule for the control of emissions from new locomotives and new engines used in locomotives. It should be noted that the information being made available today is not expected to significantly affect EPA's assessment of the environmental benefits or the cost of compliance.

Request for Comments

Interested parties may submit written comments (in triplicate if possible) for EPA consideration. The comments are to be addressed to: EPA Air and Radiation Docket, Attention: Docket No. A–94–31, Room M–1500, Mail Code 6102, U.S. EPA, 401 M Street, SW., Washington DC 20460. Should a commenter wish to provide confidential business information (CBI) to EPA, such CBI should NOT be included with the information sent to the docket. Materials sent to the docket should, however, indicate that CBI was provided to EPA. One copy of CBI, along with the remainder of the written comments, should be sent to Charles Moulis at the address provided in **FOR FURTHER INFORMATION CONTACT**.

EPA will also accept oral comments at the hearing for the previously published NPRM. Any person desiring to present testimony regarding this proposal at the public hearing (see **DATES**) should, if possible, notify the contact person listed above of such intent at least seven days prior to the day of the hearing to allow for orderly scheduling of the testimony. The contact person should also be provided an estimate of the time required for the presentation of the testimony and notification of any need for audio/visual equipment. It is suggested that sufficient copies of the statement or material to be presented be brought to the hearing for distribution to the audience. In addition, it will be helpful for EPA to receive an advance copy of any statement or material to be presented at the hearing prior to the scheduled hearing date, in order for EPA staff to give such material full consideration. Such advance copies should be submitted to the contact person listed above. The official record of the hearing will be kept open for 30 days following the hearing to allow submission of rebuttal and supplementary testimony. All such submittals should be directed to the EPA Air Docket Section, Docket No. A–94–31 (see **ADDRESSES**).

Availability of Documents

The additional test procedure information, as well as the previously published NPRM (and related documents), are available in the public

docket as described under ADDRESSES above and are also available electronically via the internet and on the Technology Transfer Network (TTN), which is an electronic bulletin board system (BBS) operated by EPA's Office of Air Quality Planning and Standards. The docket is open for public inspection from 8:00 a.m. until 5:30 p.m. Monday through Friday, except on government holidays. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying docket materials. The TTN service is free of charge, except for the cost of the phone call. Users are able to access and download TTN files on their first call using a personal computer and modem per the following information:

TTN BBS: 919-541-5742 (1200-14400 bps, no parity, 8 data bits, 1 stop bit)
Voice Helpline: 919-541-5384
TELNET ttbbbs.rtpnc.epa.gov
Off-line: Mondays from 8:00 AM to 12:00 Noon ET

A user who has not called TTN previously will first be required to answer some basic informational questions for registration purposes. After completing the registration process, proceed through the following menu choices from the Top Menu to access information on this rulemaking.

<T> GATEWAY TO TTN TECHNICAL AREAS (Bulletin Boards)
<M> OMS—Mobile Sources Information
<K> Rulemaking & Reporting
<6> Non-Road
<3> File area #3...Locomotive Emission Standards

At this point, the system will list all available files in the chosen category in reverse chronological order with brief descriptions. To download a file, select a transfer protocol that is supported by the terminal software on your own computer, then set your own software to receive the file using that same protocol. If unfamiliar with handling compressed (i.e. ZIP'ed) files, go to the TTN top menu, System Utilities (Command: 1) for information and the necessary program to download in order to unZIP the files of interest after downloading to your computer. After getting the files you want onto your computer, you can quit the TTN BBS with the <G>oodbye command. Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

Rulemaking documents may be found on the internet as follows:

World Wide Web

<http://www.epa.gov/omswww>

FTP

<ftp://ftp.epa.gov> Then CD to the /pub/gopher/OMS/ directory

Gopher

<gopher://gopher.epa.gov:70/11/Offices/Air/OMS>

Alternatively, go to the main EPA gopher, and follow the menus:

gopher.epa.gov
EPA Offices and Regions
Office of Air and Radiation
Office of Mobile Sources

List of Subjects in 40 CFR Part 92

Environmental protection, Air pollution control, Railroads, Reporting and recordkeeping requirements.

Dated: March 3, 1997.

Mary D. Nichols,
Assistant Administrator for Air and Radiation.

[FR Doc. 97-6210 Filed 3-10-97; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF DEFENSE

48 CFR Parts 225, 242, and 252

[DFARS Case 96-D020]

Defense Federal Acquisition Regulation Supplement; Duty-Free Entry

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comment.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify guidance regarding duty-free entry of supplies and implementation of the North American Free Trade Agreement (NAFTA).

DATES: *Comment date:* Comments on the proposed rule should be submitted in writing to the address shown below on or before May 12, 1997, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 96-D020 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule does not constitute a change in policy. It is intended to clarify and consistently apply the existing policy regarding duty-free entry of supplies under DoD contracts. DoD generally waives duty on defense supplies (end products or components) from qualifying countries; on eligible products subject to the Trade Agreements Act or the North American Free Trade Agreement; and on other foreign supplies if the cost of processing the duty-free entry certificates will not exceed the amount of duty that would be paid. This proposed rule more accurately focuses the prescriptions for use of duty-free entry clauses; limits the required listing of supplies under the clause at 252.225-7008, Supplies to be Accorded Duty-Free Entry, to foreign end products that are neither qualifying country supplies nor eligible end products; adds an Alternate I to the clause at 252.225-7035, Buy American Act-North American Free Trade Agreement Implementation Act-Balance of Payments Program Certificate, for contracts under \$50,000, and expands Alternate I of the clause at 252.225-7036, North American Free Trade Agreement Implementation Act, to clarify that, when under \$50,000, the offered price of Mexican end products must include any applicable duty; expands the clause at 252.225-7037, Duty-Free Entry-Eligible End Products, to cover all eligible end products, not only NAFTA country supplies; and clarifies that notification to the Commander, Defense Contract Management Command, is not required in those instances where shipments are consigned to a contractor's plant and no duty-free entry certificate is required.

B. Regulatory Flexibility Act

This proposed rule is not expected to 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 it does not constitute a change in policy but is a clarification of implementing procedures pertaining to duty-free entry of supplies and the North American Free Trade Agreement. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 96-D020 in correspondence.