

(ii) If any funds, other than Federal appropriated funds, have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, or an employee of a Member of Congress in connection with work covered by the project agreement, the SHA shall complete and submit to the FHWA Division Administrator Standard Form-LLL,¹ Disclosure Form to Report Lobbying, in accordance with its instructions;

(iii) The language of this certification shall be included in the award documents for all contracts and subcontracts, covered by the project agreement, which exceed \$100,000 and all recipients of such contracts and subcontracts shall be required to certify and disclose accordingly.

PART 635—CONSTRUCTION AND MAINTENANCE [AMENDED]

5. Subpart A of part 635 is amended by revising § 635.102 to read as follows:

§ 635.102 Definitions.

As used in this subpart:

Administrator means the Federal Highway Administrator.

Calendar day means each day shown on the calendar but, if another definition is set forth in the State contract specifications, that definition will apply.

Certification acceptance means the alternative procedure which may be used for administering certain highway projects involving Federal funds pursuant to 23 U.S.C. 117.

Contract time means the number of workdays or calendar days specified in a contract for completion of the contract work. The term includes authorized time extensions.

Division Administrator means the chief FHWA official assigned to conduct business in a particular State. A State is as defined in 23 U.S.C. 101.

Force account means a basis of payment for the direct performance of highway construction work with payment based on the actual cost of labor, equipment, and materials furnished and consideration for overhead and profit.

Formal approval means approval in writing or the electronic transmission of such approval.

Incentive/disincentive for early completion as used in this subpart, describes a contract provision which compensates the contractor a certain amount of money for each day

identified critical work is completed ahead of schedule and assesses a deduction for each day the contractor overruns the incentive/disincentive time. Its use is primarily intended for those critical projects where traffic inconvenience and delays are to be held to a minimum. The amounts are based upon estimates of such items as traffic safety, traffic maintenance, and road user delay costs.

Liquidated damages means the daily amount set forth in the contract to be deducted from the contract price to cover additional costs incurred by a State highway agency because of the contractor's failure to complete the contract work within the number of calendar days or workdays specified. The term may also mean the total of all daily amounts deducted under the terms of a particular contract.

Local public agency means any city, county, township, municipality, or other political subdivision that may be empowered to cooperate with the State highway agency in highway matters.

Major change or major extra work means a change which will significantly affect the cost of the project to the Federal Government or alter the termini, character or scope of the work.

Materially unbalanced bid means a bid which generates a reasonable doubt that award to the bidder submitting a mathematically unbalanced bid will result in the lowest ultimate cost to the Federal Government.

Mathematically unbalanced bid means a bid containing lump sum or unit bid items which do not reflect reasonable actual costs plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs.

Public agency means any organization with administrative or functional responsibilities which are directly or indirectly affiliated with a governmental body of any nation, State, or local jurisdiction.

Publicly owned equipment means equipment previously purchased or otherwise acquired by the public agency involved primarily for use in its own operations.

Specialty items means work items identified in the contract which are not normally associated with highway construction and require highly specialized knowledge, abilities or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid on the contract; in general these items are to be limited to minor components of the overall contract.

State highway agency (SHA) means that department, commission, board, or

official of any State charged by its laws with the responsibility for highway construction. The term "State" should be considered equivalent to "State highway agency" if the context so implies.

Workday means a calendar day during which construction operations could proceed for a major part of a shift, normally excluding Saturdays, Sundays, and State-recognized legal holidays.

PART 771—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

6. The authority citation for part 771 is revised to read as follows and all other authority citations which appear throughout part 771 are removed:

Authority: 42 U.S.C. 4321 et seq.; 23 U.S.C. 109, 110, 128, 138 and 315; 49 U.S.C. 303(c), 5301(e), 5323, and 5324; 40 CFR part 1500 et seq.; 49 CFR 1.48(b) and 1.51.

§ 771.109 [Amended]

7. Section 771.109 is amended by adding paragraph (d) to read as follows:

* * * * *

(d) When entering into Federal-aid project agreements pursuant to 23 U.S.C. 110, it shall be the responsibility of the State highway agency to ensure that the project is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless the State requests and receives written Federal Highway Administration approval to modify or delete such mitigation features.

[FR Doc. 96-1156 Filed 1-29-96; 8:45 am]

BILLING CODE 4910-22-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-5321-5]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Massachusetts; Change in National Policy Regarding Applicability of Conformity Requirements to Redesignation Requests

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Massachusetts to redesignate the Boston area from nonattainment to attainment

¹ The FHWA Division Office can provide the latest information on the availability of this form.

for carbon monoxide (CO). Under the Clean Air Act as amended in 1990 (CAA), designations can be revised if sufficient data is available to warrant such revisions.

In addition, EPA is proposing approval of two related State Implementation Plan (SIP) submissions by Massachusetts DEP. On November 15, 1993, Massachusetts DEP submitted a final 1990 base year emission inventory for CO emissions, which includes emissions data for all sources of CO in Massachusetts' CO nonattainment areas, as well as CO emissions for the entire State. On October 29, 1993, Massachusetts DEP submitted an oxygenated fuel program for the Boston consolidated metropolitan statistical area (CMSA).

In the Final Rules Section of this Federal Register, EPA is approving the CO emissions inventory and the oxygenated fuels program as a direct final rule.

In addition, EPA is also approving Massachusetts' redesignation request as a direct final rule without prior proposal. A detailed rationale for the action is set forth in the direct final rule, including a modification in national policy regarding the need for a conformity SIP submission prior to redesignation of an area. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this notice. Any parties interested in commenting on this notice should do so at this time.

DATES: Comments must be received by February 29, 1996.

ADDRESSES: Written comments should be sent to Susan Studlien, Acting Director of the Air, Pesticides and Toxics Management Division, at the EPA Regional Office listed below. Copies of the redesignation request and the State of Massachusetts' submittal are available for public review during normal business hours at the addresses listed below.

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, and; Environmental Protection Agency, One Congress Street, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: Wing Chau of the EPA Region I Air, Pesticides and Toxics Management

Division at (617) 565-3240. Dated: September 29, 1995.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 96-1590 Filed 1-29-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 52 and 81

[SIPTRAX NO. PA075-4001b; PA075-4002b; PA024-4005b; FRL-5329-2]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Redesignation of the Philadelphia County Carbon Monoxide Area to Attainment and Approval of the Area's Maintenance Plan and the Philadelphia County 1990 Base Year Carbon Monoxide Emission Inventory; Commonwealth of Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania for the purpose of approving a maintenance plan, the 1990 base year carbon monoxide (CO) emissions inventory for Philadelphia County and a request to redesignate the Philadelphia County carbon monoxide nonattainment area, from nonattainment to attainment for CO. In the Final Rules section of this Federal Register, EPA is approving the Commonwealth's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by February 29, 1996.

ADDRESSES: Written comments on this action should be addressed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the

documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Pennsylvania Department of the Environment, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105 and Philadelphia Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, Pennsylvania 19104.

FOR FURTHER INFORMATION CONTACT: Kelly L. Bunker, (215) 597-4554.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action, titled, Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Redesignation of the Philadelphia County Carbon Monoxide Area to Attainment and Approval of the Area's Maintenance Plan and the Philadelphia County 1990 Base Year Carbon Monoxide Emission Inventory; Commonwealth of Pennsylvania, which is located in the Rules and Regulations Section of this Federal Register.

List of Subjects in

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control.

Authority: 42 U.S.C. 7401-7671q.

Dated: October 31, 1995.

Stanley Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96-1103 Filed 1-29-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 52 and 81

[FRL-5325-1]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Redesignation of the Metropolitan Washington Carbon Monoxide Area to Attainment and Approval of the Area's Maintenance Plan and Emission Inventory; Commonwealth of Virginia, District of Columbia and the State of Maryland

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.