

(c) Reduced Deliveries.

If the Contractor believes that a law, regulation, or order of a foreign government requires the Contractor to deliver less than the quantity set forth in the Schedule for any location within that country, the Contractor may request allocation in accordance with (a) above. In addition to the criteria in (a) above, the Contractor's request shall cite—

(1) The law, regulation or order, furnishing copies of the same;

(2) The authority under which is imposed; and

(3) The nature of the Government's waiver, exception, and enforcement procedure.

The Contracting Officer will promptly review the matter and advise the Contractor whether or not the need to allocate has been substantiated. If the law, regulation, or order requiring the Contractor to reduce deliveries ceases to be effective, the Contractor shall resume deliveries in accordance with the original Schedule.

(d) If, as a result of reduced deliveries permitted by (a), (b), or (c) above, the Contracting Officer decides that continuation of this contract is no longer in the best interests of the Government, the Government may terminate this contract or any quantity thereunder, by written notice, at no cost to the Government. However, the Government shall not be relieved of its obligation to pay for supplies actually delivered to and accepted by it.

(e) Except as otherwise stated in (b) above, any volumes omitted pursuant to (a) or (b) above shall be deleted from this contract, and the Contractor shall have no continuing obligation, so far as this contract is concerned, to make up such omitted supplies.

(f) For Posts, Camps, and Stations contracts, Department of Energy priority orders and allocation regulations will take precedence over any conflicting provisions of this clause.

(g) For Bulk Fuels contracts, the provisions contained in (a) and (b) above shall be inoperative when the Secretary of Defense makes a written determination that it is essential to the National Defense that the Defense Fuel Supply Center be provided contract volumes exceeding the pro rata amount of product to which it would otherwise be entitled. However, in no case will the Contractor be required, under this contract, to supply more than 100% of the quantity specified in the Schedule.

[end of clause]

Dated: April 24, 1995.

Margaret J. Janes,

Assistant Executive Director (Procurement Policy).

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ENVIRONMENTAL PROTECTION AGENCY**48 CFR Parts 1503, 1505, 1513, 1514, 1515, 1522, 1525, 1542 and 1552**

[FRL-5201-5]

Acquisition Regulation

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending the EPA Acquisition Regulation (EPAAR) to incorporate changes to the EPAAR which are generally administrative in nature.

EFFECTIVE DATE: May 4, 1995.

ADDRESSES: Environmental Protection Agency, Office of Acquisition Management (3802F), 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Larry Wyborski, Telephone: (202) 260-6482.

SUPPLEMENTARY INFORMATION:**I. Background Information**

This rule raises the level of delegated authority and the dollar thresholds for several administrative review requirements. The rule also corrects terminology, FAR and EPAAR references and improves the consistency between the FAR and the EPAAR.

II. Executive Order 12866

This is not a significant regulatory action under Executive Order 12866; therefore, no review is required at the Office of Information and Regulatory Affairs within OMB.

III. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements for the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

IV. Regulatory Flexibility Act

This rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

List of Subjects in 48 CFR Parts

1503, 1505, 1513, 1514, 1515, 1522, 1525, 1542 and 1552. Government Procurement.

For the reasons set forth in the preamble, Chapter 15 of Title 48 Code of Federal Regulations 1503, 1505, 1513, 1514, 1515, 1522, 1525, 1542 and 1552 is amended as follows:

1. The authority citation for parts 1503, 1505, 1513, 1514, 1515, 1522, 1525, 1542 and 1552 continue to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 as amended, 40 U.S.C. 486(c).

1503.203 [Amended]

2. Section 1503.203 is amended by removing the words "Head of the Contracting Activity" and adding in its place the words "Chief of the Contracting Office".

1505.270 [Amended]

3. Section 1505.270 is amended by removing the dollar figure "\$10,000" in paragraph (b) and adding in its place the dollar figure "\$25,000".

1505.271 [Removed and Reserved]

4. Section 1505.271 is removed and reserved.

1513.570 [Amended]

5. Section 1513.570 is amended by revising paragraph (c) to read as follows:

1513.570 Oral Purchase Orders

* * * * *

(c) Oral purchase orders shall not be used for—

(1) Acquisitions for construction over \$2,000.

(2) Acquisitions for services over \$2,500 which are subject to the Service Contract Act.

1514.406-3 [Amended]

6. Section 1514.406-3 is amended by removing the words "Head of Contracting Activity (HCA)" and adding in its place the words "Chief of the Contracting Office".

1515.506 [Amended]

7. Section 1515.506 is amended by removing "PM-216" and adding in its place "3903F".

1515.612 [Amended]

8. Section 1515.612 is amended by removing the dollar figure of "\$5,000,000" in paragraphs (a)(1) introductory text and (a)(2) introductory text and adding in its place the dollar figure "\$15,000,000."

1522.608-3 [Amended]

9. 1522.608-3 is amended by removing the words "Head of the Contracting Activity (HCA) for referral to the Department of Labor (DOL) or to the Administrator of SBA if the offeror is a small business" and adding in its place "Chief of the Contracting Office in accordance with FAR 22.608-3(b)(1)-(3)".

10. Section 1522.1003 is revised to read as follows: