

exceed \$\_\_\_\_\_. The Government's share of this cost shall not exceed \$\_\_\_\_\_.

(b) For performance of the work under the contract, the Contractor shall be reimbursed for not more than \_\_\_\_\_ percent of the cost of performance determined to be allowable under the Allowable Cost and Payment clause. The remaining balance of allowable cost shall constitute the Contractor's share.

(c) Fee shall not be paid to the prime contractor under this cost-sharing contract.

(d) The Contractor shall maintain records of all costs incurred and claimed for reimbursement as well as any other costs claimed as part of its cost share. Those records shall be subject to audit by the Government.

(e) Costs contributed by the Contractor shall not be charged to the Government under any other contract, grant or agreement (including allocation to other contracts as part of an independent research and development program) nor be included as contributions under any other Federal contract.

(End of Clause)

Dated: March 11, 1996.

Betty L. Bailey,

*Director, Office of Acquisition Management.*

[FR Doc. 96-7747 Filed 4-1-96; 8:45 am]

BILLING CODE 6560-50-P

## 48 CFR Parts 1523 and 1552

[FRL-5448-6]

### Acquisition Regulation; Energy-Efficient Computer Equipment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This document adds coverage to the EPA Acquisition Regulation (EPAAR) on energy-efficient computer equipment. This final rule is necessary for ensuring that all purchases of microcomputers, including personal computers, monitors, and printers meet "EPA Energy Star" requirements for energy efficiency, unless exempted.

**EFFECTIVE DATE:** April 17, 1996.

**FOR FURTHER INFORMATION CONTACT:** Paul Schaffer at (202) 260-9032, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (Mail Code 3802F).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Executive Order 12845 (April 23, 1993) requires the Federal Government to purchase only microcomputers, including personal computers, monitors and printers, which meet "EPA Energy Star" requirements for energy efficiency.

A proposed rule was published in the Federal Register on July 25, 1995 (60 FR 37982). No public comments were received.

##### B. Executive Order 12866

This rule is not a significant regulatory action as defined in Executive Order 12866. Therefore no review is required at the Office of Information and Regulatory Affairs within OMB.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not propose any information collection requirements which would require the approval of OMB under 44 U.S.C. 3501, et seq.

##### D. Regulatory Flexibility Act

The EPA certifies this rule does not exert a significant economic impact on a substantial number of small entities. The rule establishes EPA policy for purchasing microcomputers, including personal computers, monitors, and printers which must meet "EPA Energy Star" requirements for energy efficiency. The "Energy Star Program" is a voluntary partnership effort with the computer industry, which includes small entities, to promote the introduction of energy-efficient personal computers, monitors, and printers which can reduce air pollution caused by utility power generation. The "Energy Star Program" has no barriers to entry for small entities to procure or develop the necessary technology or components to manufacture Energy Star compliant computers, monitors and printers. Therefore, no regulatory flexibility analysis has been prepared.

##### E. Unfunded Mandates

This rule will not impose unfunded mandates on state or local entities or others.

List of Subjects in 48 CFR Parts 1523 and 1552

Environmental Conservation, Environmental Safety, Government procurement, Solicitation provisions and contract clauses.

For the reasons set out in the preamble, Chapter 15 of Title 48 Code of Federal Regulations is amended as set forth below:

1. The authority citation for Parts 1523 and 1552 continues to read as follows:

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

1a. The heading for part 1523 is revised to read as follows:

### PART 1523—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE.

2. Subpart 1523.70 is added to read as follows:

#### Subpart 1523.70—Energy-Efficient Computer Equipment

##### 1523.7000 Background.

(a) Executive Order 12845 requires the Federal Government to purchase only microcomputers, including personal computers, monitors and printers, which meet "EPA Energy Star" requirements for energy efficiency. This equipment is often identified by the Energy Star™ logo and is capable of entering and recovering from an energy-efficient low power state.

(b) The EPA Energy Star Computer Program is a voluntary partnership effort with the computer industry to promote the introduction of energy-efficient personal computers, monitors, and printers which can reduce air pollution caused by utility power generation, and ease the burden on building air conditioning and electrical systems. The Energy Star Program is designed to be a self-certifying computer industry program, policed informally by the computer industry itself.

(c) FIRM Bulletin C-35 (dated 11/19/93) describes procedures that will promote the acquisition of energy-efficient microcomputers and associated computer equipment.

##### 1523.7001 Policy.

(a) The "Energy Star" Executive Order (E.O. 12845) applies to the following equipment:

- (1) Personal Computers (stand-alone).
- (2) Personal Computers (end-user on network).

(3) Notebook and other portable computers.

(4) PC printers - laser, inkjet or dot matrix (stand-alone or networked).

(5) High-speed printers used on a PC network (less than approximately 20 pages per minute).

(6) Monitors (CRT or Flat-panel LCD).

(b) "Energy Star" requirements do not apply to the following equipment:

- (1) Workstations.
- (2) File servers.
- (3) Mainframe equipment.
- (4) Minicomputers.
- (5) High-speed printers used with mainframe computers (30 or more pages per minute).
- (6) Mainframe or "dumb" terminals.
- (7) X-terminals.
- (c) All new acquisitions for microcomputers, including personal computers, monitors, and printers, shall

contain specifications which meet EPA Energy Star requirements for energy efficiency unless a waiver has been obtained in accordance with internal Agency procedures. The EPA Energy Star requirement applies in instances where the Contracting Officer authorizes the contractor to acquire property in accordance with FAR 45.302-1.

(d) The Energy Star requirement also applies to all applicable equipment ordered from GSA Schedule Contracts, open market buys, and Bankcard purchases.

#### **1523.7002 Waivers.**

(a) There are several types of computer equipment which technically fall under the current Energy Star Program, but for which EPA established blanket waivers because Energy Star compliant versions of this equipment were unavailable in the marketplace. Blanket waivers apply to the following types of equipment:

(1) LAN servers, including file servers; application servers; communication servers; including bridges and routers;

(2) UNIX RISC based processors with their high-end monitors;

(3) Large LAN printers (greater than 19 pages/minute output); and

(4) Scientific computing equipment which is used for real-time data acquisition and which, if subjected to a power down mode, would jeopardize the research project.

(b) It is anticipated that there will be Energy Star models of this equipment in the future, but in the near term EPA will not specify Energy Star qualifications when purchasing the items listed in this section.

#### **1523.7003 Contract clause.**

The Contracting Officer shall insert a clause substantially the same as 48 CFR 1552.239-103, Acquisition of Energy Star Compliant Microcomputers, Including Personal Computers, Monitors, and Printers, in all solicitations and contracts for the acquisition of microcomputers, including personal computers, monitors and printers. The Contracting Officer shall also insert the clause in solicitations and contracts where the Contracting Officer authorizes the contractor to acquire property in accordance with FAR 45.302-1.

3. Section 1552.239-103 is added to read as follows:

#### **1552.239-103 Acquisition of Energy Star Compliant Microcomputers, Including Personal Computers, Monitors and Printers.**

As prescribed in 1523.7003, insert the following clause:

#### **ACQUISITION OF ENERGY STAR COMPLIANT MICROCOMPUTERS, INCLUDING PERSONAL COMPUTERS, MONITORS, AND PRINTERS**

(APRIL 1996)

(a) The Contractor shall provide computer products that meet EPA Energy Star requirements for energy efficiency. By acceptance of this contract, the Contractor certifies that all microcomputers, including personal computers, monitors, and printers to be provided under this contract meet EPA Energy Star requirements for energy efficiency.

(b) The Contractor shall ship all products with the standby feature activated or enabled.

(c) The Contractor shall provide models that have equivalent functionality to similar non-power managed models. This functionality should include as a minimum:

(1) The ability to run commercial off-the-shelf software both before and after recovery from a low power state, including retention of files opened (with no loss of data) before the power management feature was activated.

(2) If equipment will be used on a local area network (LAN), the contractor shall provide equipment that is fully compatible with network environments, e.g., personal computers resting in a low-power state should not be disconnected from the network.

(d) The contractor shall provide monitors that are capable of being powered down when connected to the accompanying personal computer.

(End of Clause)

Dated: March 18, 1996.

Betty L. Bailey,

*Director, Office of Acquisition Management.*

[FR Doc. 96-7749 Filed 4-1-96; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

#### **49 CFR Part 538**

[Docket No. 94-96; Notice 2]

RIN 2127-AF18

#### **Manufacturing Incentives for Alternative Fuel Vehicles**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This rule establishes minimum driving range standards for dual energy and natural gas dual energy passenger automobiles on non-petroleum fuel and establishes gallons equivalent measurements for certain gaseous fuels. Promulgation of minimum driving range standards for these vehicles is required by the 1992 Energy Policy Act (P.L. 102-486).

**DATES:** These requirements are effective June 3, 1996. Petitions for reconsideration must be submitted within 45 days of publication.

**ADDRESSES:** Petitions for reconsideration should be submitted to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Ms. Henrietta L. Spinner, Motor Vehicle Requirements Division, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590, (202) 366-4802.

#### **SUPPLEMENTARY INFORMATION:**

##### **1. Statutory Background**

Section 6 of the Alternative Motor Fuels Act of 1988 (AMFA) (P.L. 100-494) amended the fuel economy provisions of the Motor Vehicle Information and Cost Savings Act (Cost Savings Act) by adding a new section, "Manufacturing Incentives for Automobiles," now codified as 49 U.S.C. § 32901(c). The section provided incentives for the manufacture of vehicles designed to operate on alcohol or natural gas, including dual energy vehicles, i.e., vehicles capable of operating on one of those alternative fuels and either gasoline or diesel fuel.

Dual energy vehicles meeting specified criteria qualify for special treatment in the calculation of their fuel economy for purposes of the corporate average fuel economy (CAFE) standards issued by NHTSA under 49 U.S.C. Chapter 329. The fuel economy of a qualifying vehicle is calculated in a manner that results in a relatively high fuel economy value, thus encouraging its production as a way of facilitating a manufacturer's compliance with the CAFE standards. One of the qualifying criteria for passenger automobiles was to meet a minimum driving range, which was to be established by NHTSA.

NHTSA was required to establish two minimum driving ranges, one for dual energy (alcohol/gasoline or diesel fuel) passenger automobiles when operating on alcohol, and the other for natural gas dual energy (natural gas/gasoline or diesel fuel) passenger automobiles when operating on natural gas. In establishing the driving ranges, NHTSA was required to consider consumer acceptability, economic practicability, technology, environmental impact, safety, driveability, performance, and any other factors deemed relevant.

The Alternative Motor Fuels Act and its legislative history made clear that the driving ranges were to be low enough to