

Control of Air Emissions of Designated Pollutants From Existing Commercial and Industrial Solid Waste Incineration Units

§ 62.13108 Identification of plan.

(a) The Puerto Rico Environmental Quality Board submitted to the Environmental Protection Agency on May 20, 2003, a "State Plan" for implementation and enforcement of 40 CFR part 60, subpart DDDD, Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units.

(b) Identification of sources: The plan applies to all applicable existing Commercial and Industrial Solid Waste Incineration Units for which construction commenced on or before November 30, 1999.

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OFFICE OF PERSONNEL MANAGEMENT

48 CFR Part 1733

RIN 3206-AK07

Protests, Disputes, and Appeals

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final rule to reflect a change of address for the Interior Board of Contract Appeals (IBCA). IBCA has moved to a new building in Arlington, Virginia.

DATES: This rule is effective October 31, 2003.

FOR FURTHER INFORMATION CONTACT: Henry Wong, Contracting Officer, Office of Personnel Management, Contracting Branch, Room 1342, 1900 E Street, NW., Washington, DC 20415-7710. Telephone: 202-606-1598 Fax number: 202-606-1464, e-mail: hlwong@opm.gov.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Procedural Requirements

I. Background

In 48 CFR part 1733, OPM has promulgated regulations concerning disputes and appeals involving OPM contracting officer decisions. Pursuant to a designation by the Director of OPM, appeals under the Contract Disputes Act, 41 U.S.C. 601 *et. seq.*, are handled by IBCA. Since 1970, IBCA has been located at 4015 Wilson Boulevard, and

that address is included in two sections within 48 CFR part 1733.

IBCA has relocated to 801 North Quincy Street, Arlington, Virginia. OPM is revising its administrative appeals regulations to reflect IBCA's new street address.

II. Procedural Requirements

A. Determination To Issue Final Rule Effective in Less Than 30 Days

OPM has determined that the general notice of proposed rulemaking and comment provisions of the Administrative Procedures Act, 5 U.S.C. 553(b), do not apply to this rulemaking because the changes being made relate solely to matters of agency organization, procedure, and practice. They therefore satisfy the exemption from notice and comment rulemaking in 5 U.S.C. 553 (b)(A).

B. Review Under Procedural Statutes and Executive Orders

OPM has reviewed this rule under the following statutes and executive orders governing rulemaking procedures: The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et. seq.*; the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.*; the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801 *et. seq.*; the Paperwork Reduction Act, 44 U.S.C. 3501 *et. seq.*; the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et. seq.*; Executive Order 12630 (Takings); Executive Order 12866 (Regulatory Planning and Review); Executive Order 12988 (Civil Justice Reform); Executive Order 13132 (Federalism); Executive Order 13175 (Tribal Consultation); and Executive Order 13211 (Energy Impacts). OPM has determined that this rule does not trigger any of the procedural requirements of those statutes and executive orders, since this rule merely changes the street address for IBCA.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would apply only to Federal agencies and employees.

Executive Order 12860, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

List of Subjects in 48 CFR Part 1733

Administrative practices and procedures, Government procurement.

U.S. Office of Personnel Management.

Kay Coles James,

Director.

■ For reasons stated in the preamble, OPM amends its regulations in 48 CFR part 1733 as follows:

PART 1733—[AMENDED]

■ 1. The authority citation for part 1733 continues to read as follows:

Authority: 40 U.S.C 486(c); 48 CFR 1.301.

■ 2. In part 1733 of 48 CFR, remove all references to "4015 Wilson Boulevard" and add in its place "801 North Quincy Street".

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1805, 1823, 1825, and 1852

RIN 2700-AC92

Conformance With Federal Acquisition Circulars 2001-15 and 2001-14

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule revises the NASA FAR Supplement (NFS) to conform to changes made to the Federal Acquisition Regulation (FAR) by Federal Acquisition Circular (FAC) 2001-15 by providing guidance to contracting officers for use of clause alternates to implement environmental management system (EMS) requirements on NASA facilities and removing the requirement for submission of SF 129, Solicitation Mailing List Application. Additional changes are made to conform to the revised definition of "United States" contained in FAC 2001-14 and to update the designated NASA ombudsman.

EFFECTIVE DATE: October 31, 2003.

FOR FURTHER INFORMATION CONTACT: Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358-1645; e-mail: Celeste.M.Dalton@nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Item I of FAC 2001-15 eliminated the SF 129, Solicitation Mailing List Application and the need to maintain paper-based sources of contractor information. As a result, a change to NFS Part 1805 is required. FAC 2001-15, item number V, Leadership in

Environmental Management (E.O. 13148), requires insertion of Alternates I or II to FAR clause 52.223-5, Pollution Prevention and Right-to-Know Information, in certain contracts that provide for performance on a Federal facility if an Environmental Management System (EMS) is being implemented. NASA is implementing an EMS. This NFS change implements FAC 2001-15 item number V by providing guidance on when to use the alternates. FAC 2001-14, clarified the use of the term "United States."

NFS section 1825.7001 is amended to remove the phrase "its possessions, and Puerto Rico" since it is no longer necessary based on the definition of "United States" contained in FAR Part 25. Lastly, this change to the NFS updates the designated NASA ombudsman.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98-577, and publication for public comment is not required. However, NASA will consider comments from small entities concerning the affected NFS Parts 1805, 1823, 1825 and 1852 in accordance with 5 U.S.C. 610.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1805, 1823, 1825, and 1852

Government Procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

■ Accordingly, 48 CFR Parts 1805, 1823, 1825, and 1852 is amended as follows:

■ 1. The authority citation for 48 CFR Parts 1805, 1823, 1825, and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1)

PART 1805—PUBLICIZING CONTRACT ACTIONS

■ 2. Remove section 1805.205

PART 1823—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

■ 3. Add Subpart 1823.10 to read as follows:

Subpart 1823.10—Federal Compliance With Right-to-Know Laws and Pollution Prevention Requirements

1823.1005 Contract clause.

(b) Use the clause with its Alternate I if the contract provides for contractor (1) Operation or maintenance of a NASA facility at which NASA has implemented or plans to implement an EMS, including, but not limited to the Jet Propulsion Laboratory and Michoud Assembly Facility; or

(2) Activities and operations—

(ii) The contracting officer and the procurement request initiator shall determine whether the contractor's activities or operations are covered within the EMS, in cooperation with the facility's environmental office, and in accordance with NPG 8553.1, "NASA Environmental Management System (EMS)" paragraph 1.2.c, and the local EMS documented procedures.

(c) Use the clause with its Alternate II whenever Alternate I is used.

PART 1825—FOREIGN ACQUISITION

1825.7001 [Amended]

■ 4. Amend section 1825.7001 by removing ", its possessions, and "Puerto Rico".

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. Amend the clause at section 1852.215-84 by—

■ (a) Revising the date to read (OCT 2003, and

■ (b) In the second sentence of paragraph (b) removing "202-358-0422, facsimile 202-358-3083, e-mail sthomps1@hq.nasa.gov" and adding "202-358-0445, facsimile 202-358-3083, e-mail james.a.balinskas@nasa.gov" in its place.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1845 and 1852

RIN 2700-AC73

Government Property—Instructions for Preparing NASA Form 1018

AGENCY: National Aeronautics and Space Administration.

ACTION: Interim rule.

SUMMARY: This interim rule amends the NASA Federal Acquisition Regulation Supplement (NFS) to provide a definition of obsolete property, to address contractor validation of 1018 data, to clarify reporting of software to which NASA has title, to clarify other property classifications, and to revise the date for submission of annual property reports. NASA uses the data contained in contractor reports for annual financial statements and property management. This change will provide for consistent reporting of NASA property by contractors.

DATES: *Effective Date:* This interim rule is effective October 31, 2003.

Comment Date: Comments should be submitted to NASA on or before December 30, 2003.

ADDRESSES: Lou Becker, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Lou Becker, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546, telephone: (202) 358-4593, e-mail to: lou.becker@nasa.gov.

SUPPLEMENTARY INFORMATION

A. Background

Each year, NASA's financial statements are audited in accordance with generally accepted government auditing standards. NASA must maintain adequate controls to reasonably assure that property, plant and equipment and materials are presented fairly in its financial statements. Since contractors maintain NASA's official records for its assets in their possession, NASA uses the data contained in contractor reports for annual financial statements and property management. This interim rule provides policies and procedures related to obsolete property, contractor validation of 1018 data, and proper reporting of software to which NASA has title. This change will provide for consistent reporting of NASA property by contractors. It also reflects the need to change the date of submission for