

or deletion of text that is unnecessary or addresses procedural matters. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D067.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that 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 235 and 252

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, DoD proposes to amend 48 CFR Parts 235 and 252 as follows:

1. The authority citation for 48 CFR Parts 235 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

235.006–70 [Amended]

2. Section 235.006–70 is amended in the introductory text by removing “10 U.S.C. 2525(d)” and adding in its place “10 U.S.C. 2521(d)”.

235.007 [Removed]

3. Section 235.007 is removed.

4. Section 235.010 is revised to read as follows:

235.010 Scientific and technical reports.

(b) For DoD, the Defense Technical Information Center is responsible for collecting all scientific and technical reports. For access to these reports, follow the procedures at PGI 235.010(b).

235.015 [Removed]

5. Section 235.015 is removed.

235.017–1 [Amended]

6. Section 235.017–1 is amended in paragraph (c)(4) by revising the first parenthetical to read “(C3I Laboratory operated by the Institute for Defense Analysis, Lincoln Laboratory operated by Massachusetts Institute of Technology, and Software Engineering Institute operated by Carnegie Mellon)”.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. Section 252.235–7011 is revised to read as follows:

252.235–7011 Final Scientific or Technical Report.

As prescribed in 235.071(d), use the following clause:

Final Scientific or Technical Report (XXX 2004)

The Contractor shall—

(a) Submit two copies of the approved scientific or technical report delivered under this contract to the Defense Technical Information Center, Attn: DTIC–O, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6218;

(b) Include a completed Standard Form 298, Report Documentation Page, with each copy of the report; and

(c) For submission of reports in other than paper copy, contact the Defense Technical Information Center or follow the instructions at <http://www.dtic.mil>.

(End of Clause)

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DEPARTMENT OF DEFENSE

48 CFR Parts 251 and 252

[DFARS Case 2003–D045]

Defense Federal Acquisition Regulation Supplement; Contractor Use of Government Supply Sources

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to contractor use of Government supply sources. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 23, 2004, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments via the Internet at <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. As an alternative, respondents may e-mail comments to: dfars@osd.mil. Please cite DFARS Case 2003–D045 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above

methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Teresa Brooks, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2003–D045.

At the end of the comment period, interested parties may view public comments on the Internet at <http://emissary.acq.osd.mil/dar/dfars.nsf>.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa Brooks, (703) 602–0326.
SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dp/dars/transf.htm>.

This proposed rule is a result of the DFARS Transformation initiative. The proposed changes include—

- Deletion of text at DFARS 251.102 containing procedures for authorizing a contractor to use Government supply sources. Text on this subject will be relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI). A proposed rule describing the purpose and structure of PGI is published elsewhere in this issue of the **Federal Register** under DFARS Case 2003–D090, Procedures, Guidance, and Information.

- Deletion of text at DFARS 251.105 regarding contractor payment for purchases from Government supply sources. This subject is addressed in the clause at DFARS 252.251–7000 as amended by this rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule 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 the DFARS changes address procedural matters that apply only when a contractor is authorized to use Government supply sources. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003-D045.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that 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 251 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, DoD proposes to amend 48 CFR parts 251 and 252 as follows:

1. The authority citation for 48 CFR parts 251 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 251—USE OF GOVERNMENT SOURCES BY CONTRACTORS

2. Section 251.102 is revised to read as follows:

251.102 Authorization to use Government supply sources.

(e) When authorizing contractor use of Government supply sources, follow the procedures at PGI 251.102.

(3)(ii) The contracting officer may also authorize the contractor to use the DD Form 1155 when requisitioning from the Department of Veterans Affairs.

(f) The authorizing agency is also responsible for promptly considering requests of the DoD supply source for authority to refuse to honor requisitions from a contractor that is indebted to DoD and has failed to pay proper invoices in a timely manner.

251.105 [Removed]

3. Section 251.105 is removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 252.251-7000 is amended as follows:

a. By revising the clause date to read “(XXX 2004)”;

b. In paragraph (c)(4) by revising the second sentence; and

c. In paragraph (c)(4) by adding a new sentence after the second sentence. The revised and added text reads as follows:

252.251-7000 Ordering From Government Supply Sources.

* * * * *

(c) * * *

(4) * * * For purchases made from DoD supply sources, this means within 30 days of the date of a proper invoice. The Contractor shall annotate each invoice with the date of receipt. * * *

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-2003-16920]

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

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

ACTION: Denial of petition for rulemaking.

SUMMARY: NHTSA is denying a petition for rulemaking from the Insurance Institute for Highway Safety (IIHS) to amend current seating position procedures for Federal Motor Vehicle Safety Standard (FMVSS) Nos. 208, “Occupant crash protection,” and 214, “Side impact protection.” IIHS had petitioned to adopt procedures based upon the University of Michigan Transportation Research Institute (UMTRI) Seating Accommodation Model.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

For non-legal issues: Mr. Philip Oh, Office of Crashworthiness Standards, NVS-112, telephone (202) 493-0195, facsimile (202) 493-2290, electronic mail: philip.oh@nhtsa.dot.gov

For legal issues: Ms. Rebecca MacPherson, Office of the Chief Counsel, NCC-112, telephone (202) 366-2992, facsimile (202) 366-3820, electronic mail: rebecca.macpherson@nhtsa.dot.gov

SUPPLEMENTARY INFORMATION:

Summary of Petition

On December 19, 2002, the agency received a petition from IIHS to amend the requirements of FMVSS No. 214 (S6.3 and S6.4) and FMVSS No. 208 (S8.1.2 and S8.1.3), which specify the positioning of adjustable seats and adjustable seat backs during vehicle testing. Currently, the standards require the seat to be positioned at the full-forward position for the 5th percentile female dummy (FMVSS No. 208 only) and the midtrack position for the 50th percentile male dummy. Also, adjustable seat backs are set to the manufacturers’ recommended adjustment angle. IIHS contends that the seating positions used in FMVSS Nos. 208 and 214 do not represent real-world occupant behavior. The petition referred to a study¹ where the mean-selected seating positions of more than 600 adult volunteers were compared with the midtrack positions in 26 vehicles. Results showed that mean-selected seat positions were 46 mm rearward of midtrack for 50th percentile males, and 42 mm rearward of full-forward for 5th percentile females. In addition, IIHS contends that 44 percent of the vehicles tested in the IIHS crashworthiness evaluation program had chest-to-air-bag-module clearance measures of less than 250 mm. They believe this is an inappropriate seating position based on the NHTSA recommended clearance measure of 250 mm. As a result, IIHS petitioned to amend the standards by incorporating a new procedure to set the seat track and seat back adjustment based on the UMTRI Seating Accommodation Model. This model is based upon driver posture and position data collected in 36 different vehicles, each with measurements for 60-120 driver subjects. IIHS stated that the proposed amendments would assure that the dummy test positions more accurately reflect real-world seating positions for all NHTSA-regulated crash tests that are not intended to address specific crash injury risks (*e.g.* out-of-position air bag injuries). Therefore, IIHS also petitioned to incorporate the UMTRI procedure in the New Car Assessment Program (NCAP) crash tests. In addition, IIHS suggested that the agency conduct a study of passenger seating positions to determine the most appropriate dummy placement. NHTSA denies this petition for the reasons described below.

¹ Manary, M.A. *et al.*, “ATD Positioning Based on Driver Posture and Position.” SAE Technical Paper Series 983163. Warrendale, PA, Society Of Automotive Engineers, 1998.