

TIMELINE OF RULEMAKING ACTIONS—Continued

Requests to participate in hearing due .....	June 12, 2008.
Hearing Clerk distributes hearing schedule .....	June 16, 2008.
Informal hearing date .....	June 19, 2008.
Hearing transcript posted to the docket .....	July 3, 2008 (estimated).
Comments and questions on hearing presentations due to Hearing Clerk.	*July 10, 2008 (one week after hearing transcript is posted to the docket).
Hearing Clerk sends out questions to appropriate participants .....	*July 24, 2008 (two weeks after questions are due).
Answers received by Hearing Clerk from participants .....	*July 31, 2008 (one week after questions are sent).
Reply comments to Hearing Clerk due .....	*, **August 14, 2008 (two weeks after answers are due by participants).

\* Estimated date for posting the hearing transcript will determine the timeline for the remaining actions. All dates are subject to change.

\*\* Reply comments are due two weeks after participants' answers are received. If no questions on the hearing are received, then reply comments on the hearing testimony will be due on July 24, 2008 (giving EPA time to post a revised schedule and notice that no questions on the hearing testimony had been received by the Hearing Clerk).

This schedule will be posted on <http://www.epa.gov/pcb/pubs/veolia.htm> and revised, if necessary, to reflect the actual date that the hearing transcript has been posted to the docket.

Extensions of time for filing reply comments may be granted pursuant to 40 CFR 750.15, which references 40 CFR 750.4(c). Reply comments and requests for an extension of time for filing reply comments must be sent to the Hearing Clerk using one of the methods identified in the ADDRESSES section for submitting requests to participate in the hearing. Reply comments and a transcript of the hearing will be placed in the docket for the proposed rule (Docket ID No. EPA-HQ-RCRA-2008-0123). A full list of these materials is available for inspection and copying during the posted hours in the RCRA Docket as identified under ADDRESSES.

**List of Subjects in 40 CFR Part 761**

Environmental protection, Hazardous substances, Labeling, Polychlorinated biphenyls, Reporting and recordkeeping requirements.

Dated: May 13, 2008.

**Susan Parker Bodine,**

*Assistant Administrator for Solid Waste and Emergency Response.*

[FR Doc. E8-11177 Filed 5-16-08; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[DOD-2008-DARS-0006; 0790-AI05]

**48 CFR Part 5432**

**Transporter Proof of Delivery**

**AGENCY:** Department of Defense.

**ACTION:** Proposed rule.

**SUMMARY:** This rule proposes to provide an additional method for documenting customer receipt of DLA supplies and services in support of the contract acceptance and payment process by allowing contractor input of receipt documentation into the Department of Defense Wide Area Workflow system.

**DATES:** Consideration will be given to all comments received July 18, 2008.

**ADDRESSES:** You may submit comments, identified by docket number and or Regulatory Information Number (RIN) number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

*Instructions:* All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:**

Charlene Baez, (703) 767-1316, [charlene.baez@dla.mil](mailto:charlene.baez@dla.mil).

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12866, "Regulatory Planning and Review"**

It has been determined that 48 CFR part 5432 is not a significant regulatory action. The rule does not:

- (1) Have an annual effect to the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

**Section 202, Public Law 104-4, "Unfunded Mandates Reform Act"**

It has been certified that this rule does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

**Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)**

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

The implementation of this rule will facilitate the receipt documentation process and enhance the accountability of DLA-provided goods, as well as provide a basis for more efficient and expeditious payments to affected contractors. In this process, contractors input copies of signed delivery documents provided by the transporter of the supplies into the Wide Area Workflow system. Contractor use of the Wide Area Workflow (WAWF) system is being implemented throughout the Department of Defense for submission of invoices. Approximately 1 hour is needed to learn the new system. Use of the WAWF system does not require any additional reporting, recordkeeping, or compliance records from small entities. Therefore no additional capability or resource expenditure will be required and no significant impact is anticipated.

**Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)**

It has been certified that this rule does impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

**Executive Order 13132, “Federalism”**

It has been certified that this rule does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of government.

**List of Subjects in 48 CFR Part 5432**

Contract delivery receipt process.

Accordingly, title 48 CFR Chapter 54, is proposed to be amended to add part 5432 to read as follows:

**PART 5432—TRANSPORTER PROOF OF DELIVERY**

Sec.

5432.1 Payment documentation process.

5432.2 Transporter proof of delivery.

**Authority:** 41 U.S.C. 401 *et seq.*

**§ 5432.1 Payment documentation process.**

(a) Transporter Proof of Delivery (TPD) is a commercial document generated by the contractor and/or the transporter of supplies and completed by the Government customer. The TPD process is used as a supplement to the customer receiving report and provides information necessary to show receipt of the supplies by the customer. The fully-completed TPD process demonstrates receipt and, coupled with acceptance, allows the Government to pay the contractor. It is not a substitute for any other requested receipt and acceptance documentation, such as DD 250, “Material Inspection and Receiving Report”, but is a supplement to such documentation.

(b) The Defense Logistics Agency (DLA) may accept supplies based on satisfactory TPD.

(c) The Contracting Officer may authorize the use of the TPD process when, based on historical receipt and payment metrics, Finance and Procurement Customer Liaisons (FCLs) recommend and the Contracting Officer determines the application of the TPD process necessary to ensure timely payment under the particular circumstances of a procurement. The recommendations made by the FCLs will be given on an individual basis based on analysis of the historical contract data, invoicing history, and customer receipting history. All of the

following conditions must be present for using the TPD process:

- (1) It is a Business Systems Modernization (BSM)/Enterprise Business System (EBS) procurement.
- (2) Contract/order is awarded on a fixed price basis.
- (3) Contract/order is customer direct.
- (4) Fast pay is not authorized.
- (5) Procurement is not origin acceptance.
- (6) Procurement does not require overseas shipments or shipments to consolidation and containerization points.
- (7) A joint finance team and acquisition team decide when implementing the TPD process is necessary to ensure prompt payment processing.

(d) Suppliers with existing contracts must agree to use the clause by the execution of a bilateral contract modification. If a vendor has an existing contract that has been modified to include the TPD process, that vendor’s follow-on contract will normally include the TPD process.

(e) When authorized in accordance with paragraph (b) of this section, the Contracting Officer will include the clause at § 5432.2 in the contract, order, solicitation, request for quotation (RFQ), or purchase order.

(f) Suppliers with existing contracts must agree to use the clause by the execution of a bilateral contract modification. If a vendor has an existing contract that has been modified to include the TPD process, that vendor’s follow-on contract will normally include the TPD process.

**§ 5432.2 Transporter proof of delivery.**

As prescribed in paragraph (d) of this section, insert the following clause:

**TRANSPORTER PROOF OF DELIVERY (AUG 2006)**

(a) As used in this clause, Transporter Proof of Delivery (TPD) are commercial documents generated by the contractor and/or the contractor’s transporter of supplies, and completed by the Government customer in order to document delivery of supplies under this contract/order. The TPD must contain all information necessary to demonstrate customer receipt of specified supplies under a specific contract or order, including a customer signature demonstrating receipt of supplies. This documentation, when completed and submitted as prescribed herein, satisfies the receipt report requirement and, coupled with acceptance, allows the Government to issue payment if other applicable payment conditions are satisfied.

(b) *Submitted TPD.* (1) The submitted TPD must include all of the following information:

- (i) Contract number/order number.
- (ii) Unit price.
- (iii) Extended price.
- (iv) Detailed description of supplies.

- (v) Delivery date.
- (vi) Recipient organization’s name and address.
- (vii) Location of delivery.
- (viii) Receiving individual’s printed name.
- (ix) Receiving individual’s signature.
- (2) A combination of contractor and transporter documents may be needed to provide all of the required information. Examples are contractor packing lists and UPS or FEDEX delivery tracking reports. If a combination of documents is used, they must include cross-reference information, such as shipment number, that demonstrates that both sets of documents refer to the same supplies.

(c) *Use of the transporter proof of delivery.*

(1) *Payment.* When this clause is used, the Government may use the TPD receipt as a basis for accepting the supplies, thereby enabling payment based on the contract/order, contractor’s invoice, contractor-submitted TPD, and Government acceptance.

(2) *TPD Process.* (i) The Contractor shall self-register at the Wide Area Workflow (WAWF) Web site: <https://wawf.eb.mil>. (See <https://wawf.eb.mil> for WAWF registration and <http://www.wawftraining.com> for detailed training instructions. Additional WAWF support can be accessed by calling DISA WESTHEM Customer Support at (866) 618-5988. For more information on WAWF please go to the DLA WAWF Site: <http://www.dla.mil/j-3/wawf/>.)

(ii) The Contractor shall enter the Receiving Report (RR) data. Contractors shall ensure the “pack later” box under the Pack Tab is checked prior to the submission of the RR.

(iii) The Contractor’s transporter presents TPD documents to the customer for receipt signature or the transporter otherwise secures a customer signature demonstrating receipt, such as through an electronic signature recording device.

(iv) The Contractor obtains the TPD from the transporter, either in hardcopy provided by the transporter or through other means, such as a printout from the transporter’s Internet tracking site.

(v) When the Contractor receives the TPD documents from the transporter, he or she will return to WAWF using “*view documents*,” enter the appropriate contract data, and recall the RR.

(vi) On the first page provided, the Contractor will uncheck the “*pack later*” box.

(vii) The Contractor shall then go to the last entry and click on “*attachment*.” This will allow the Contractor to attach the TPD documents. When the TPD document is attached, the Contractor shall return to the Header Tab and submit the TPD document(s).

(viii) WAWF will notify the BSM FCL via email that a WAWF RR document is ready for review.

(ix) The information provided in the chart below is provided to assist the Contractor in the creation of the RR in WAWF:

WAWF fields	Data to enter
WAWF Document Type .....	Invoice and Receiving Report (COMBO).
Inspection/Destination Points .....	Other/Other.

WAWF fields	Data to enter
Issue By Department of Defense Activity Address Code (DODAAC) .....	DODAAC of activity that issued the contract.
Admin DODAAC .....	DODAAC of activity that administers the contract.
Inspect By DODAAC (if applicable) .....	N/A—leave blank.
Ship To Code .....	DODAAC of the Ship To activity.
Acceptor at Other DODAAC .....	Refer to Issue By DODAAC: If Issue By is SPM1, use SP1001. If Issue By is SPM4, use SP4001. If Issue By is SPM5, use SP5001. If Issue By is SPM7, use SP7001.
PAY DODAAC .....	DODAAC of the activity that pays the contract.
Attachment .....	Attach customer delivery documentation. <sup>1</sup> (Attachments created in any Microsoft Office Product or in PDF format are acceptable.)

<sup>1</sup> Contractors are required to attach TPD complying with subparagraphs (a) and (b) of this clause to their WAWF document. To add attachments, enter contract information and then click on 'Create Document.' Then click on the 'Misc Info' tab. Attachment specific buttons will appear on the right side of the page. Select document to attach and click 'Open.' Then click 'Continue.' Your attachment will appear in the dropdown box. Click on the 'Header' tab to return to your original document and click 'Submit.'

(d) *Responsibility for supplies.* (1) Title to the supplies passes to the Government after delivery to the point of first receipt by the Government and subsequent acceptance.

(2) Notwithstanding any other provision of the contract, order, or blanket purchase agreement, the Contractor shall:

(i) Assume all responsibility and risk of loss for supplies not received at destination, damaged in transit, or not conforming to purchase requirements; and

(ii) Replace, repair, or correct those supplies promptly at the Contractor's expense, if instructed to do so by the Contracting Officer within 180 days from the date title to the supplies vests in the Government.

End of Clause

Dated: May 7, 2008.

**Patricia L. Toppings,**  
OSD Federal Register Liaison Officer.  
Department of Defense.

[FR Doc. E8-11124 Filed 5-16-08; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### 49 CFR Part 605

[Docket No. FTA-2008-0015]

#### Notice of Proposed Policy Statement on FTA's School Bus Operations Regulations

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Proposed policy statement; request for comments.

**SUMMARY:** Through this notice, the Federal Transit Administration (FTA) proposes to revise its policy with respect to "tripper service" and "school bus operations" under 49 CFR Part 605. FTA seeks comment on this notice from interested parties. After consideration of the comments, FTA will issue a second **Federal Register** notice responding to

comments received and noting any changes made to the policy statement as a result of comments received.

**DATES:** FTA must receive all comments by June 18, 2008. FTA will consider late filed comments to the extent practicable.

**ADDRESSES:** To ensure your comments are not entered more than once into the Docket, please identify your submissions with the following Docket No. FTA-2008-0015. Please make your submissions by only one of the following means:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1-202-493-2251.
- *U.S. Post or Express Mail:* U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* The West Building of the U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* You must include the agency name (Federal Transit Administration) and the Docket number (FTA-2008-0015) at the beginning of your comment. You should include two copies of your comment if you submit it by mail. If you wish to receive confirmation that FTA received your comment, you must include a self-addressed stamped postcard. Note that FTA will post all comments that it receives, including any personal information provided therein, without change to <http://www.regulations.gov>.

Due to security procedures in effect since October 2001 regarding mail deliveries, mail received through the U.S. Postal Service may be subject to delays. A party that submits a comment responsive to this notice should consider using an express mail firm to

ensure the prompt filing of any submissions not filed electronically or by hand.

**FOR FURTHER INFORMATION CONTACT:** Linda Lasley, Assistant Chief Counsel, Legislation and Regulations Division, Office of Chief Counsel, Federal Transit Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., 5th Floor—East Building, Washington, DC 20590. E-mail: [Linda.Lasley@dot.gov](mailto:Linda.Lasley@dot.gov). Telephone: (202) 366-1674.

#### SUPPLEMENTARY INFORMATION:

##### Background

##### Introduction

FTA issues this Notice of Policy Statement and Request for Comments to provide guidance in the context of the recent decision of the United States District Court for the Western District of New York in *Rochester-Genesee Regional Transportation Authority v. Hynes-Cherin*.<sup>1</sup> The Court's decision in *Rochester-Genesee Regional Transportation Authority* set aside FTA's interpretation of its school bus operations regulations under 49 CFR Part 605.<sup>2</sup> In the proposed policy set forth below, FTA clarifies its guidance regarding FTA's interpretation of its school bus operations regulations. FTA intends to construe the term "tripper service" to include only existing routes with modified fare collection or subsidy systems, frequency of service, and *de minimis* route deviations from existing route paths in the immediate vicinity of schools to stops located at or in close proximity to the schools. Consistent with that construction, FTA would interpret the definition of "school bus operations" in 49 CFR 605.3(b) to include service that a reasonable person would conclude primarily was designed

<sup>1</sup> No. 07-CV-6378L 1 (W.D.N.Y. Jan. 24, 2008).

<sup>2</sup> *Id.* at 20.