standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under ADDRESSES. This proposed rule involves the establishment of a safety zone. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposed to amend 33 CFR 165 as follows:

PART 165—REGULATER NAVIGATION AREAS AND LIMITED ACCESS AREAS

(1) The authority citation for part 165 continues to read as follows:


(2) Add §165.T08–0059 to read as follows:

§165.T08–0059 Safety Zone; Osage River, Mile 016.8 to 017.2.

(a) Location. The following area is a safety zone: all waters of the Osage River, Mile 016.8 to 017.2 extending the entire width of the waterway.

(b) Effective date. This rule is effective from 10 p.m. until 10:30 p.m. CDT on July 4, 2010.

(c) Periods of Enforcement. This rule will be enforced from 10 p.m. until 10:30 p.m. CDT on July 4, 2010. The Captain of the Port Upper Mississippi River will inform the public through broadcast notice to mariners of all safety zone changes and enforcement periods.

(d) Regulations. (1) In accordance with the general regulations in §165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Upper Mississippi River or a designated representative. (2) Persons or vessels requiring entry into or passage through the zone must request permission from the Captain of the Port Upper Mississippi River or a designated representative. The Captain of the Port Upper Mississippi River representative may be contacted at (314) 269–2332.

(3) All persons and vessels must comply with the instruction of the Captain of the Port Upper Mississippi River or their designated representative. Designated Captain of the Port representatives include United States Coast Guard commissioned, warrant, and petty officers of the U.S. Coast Guard.


S.L. Hudson,
Captain, U.S. Coast Guard, Captain of the Port Upper Mississippi River.

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4 and 52

Federal Acquisition Regulation; FAR Case 2009–027, Personal Identity Verification of Contractor Personnel

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to provide additional regulatory coverage in Subpart 4.13 and in clause 52.204–9 to reinforce the requirement of collecting from contractors all forms of Government provided identification once they are no longer needed to support a contract.

DATES: Interested parties should submit written comments to the Regulatory Secretariat on or before July 23, 2010 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAR case 2009–027 by any of the following methods:

• Regulations.gov: http://www.regulations.gov. Submit comments via the Federal eRulemaking portal by inputting “FAR Case 2009–027” under the heading “Enter Keyword or ID” and selecting “Search”. Select the link “Submit a Comment” that corresponds with “FAR Case 2009–027”. Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “FAR Case 2009–027” on your attached document.

• Fax: 202–501–4067.

• Mail: General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, ATTN: Hada Flowers, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR case 2009–027, in all correspondence related to this case. All comments received will be posted without change to http://www.regulations.gov, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne Neurauter, Procurement Analyst, at (202) 219–0310 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501–4755. Please cite FAR case 2009–027.

SUPPLEMENTARY INFORMATION:

A. Background

Department of Defense Inspector General Audit Report No. D02009–005, titled Controls Over the Contractor Common Access Card (CAC) Life Cycle, was performed to determine whether Government controls were in place over contractor CACs. A CAC is the DoD term for a Personal Identity Verification (PIV) card. A PIV card is required in order to gain access to a Federal facility. The most prevalent issue of the audit report, and the one that the Councils are undertaking with this case, was that the
The Councils are also proposing to modify FAR clause 52.204–9, Personal Identification Verification of Contractor Personnel, to be consistent with Part 4.

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.

PART 4—ADMINISTRATIVE MATTERS

2. Amend section 4.1301 by adding paragraphs (d)(1) and (d)(2) to read as follows:

4.1301 Policy.

(i) When no longer needed for contract performance;
(ii) Upon completion of a contractor employee’s employment;
(iii) Upon contract completion or termination.

(2) The contracting officer may delay final payment under a contract if the contractor fails to comply with these requirements.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Amend section 52.204–9 by:
   a. Revising the date of the clause;
   b. Redesignating paragraph (b) as paragraph (d), and adding new paragraphs (b) and (c); and
   c. Revising the newly designated paragraph (d).

The added and revised text reads as follows:

52.204–9 Personal Identity Verification of Contractor Personnel.

* * * * * * *

PERSONAL IDENTIFICATION VERIFICATION OF CONTRACTOR PERSONNEL (DATE)
(b) The Contractor shall account for all forms of Government-provided identification issued to the Contractor under this contract. The contractor shall return such identification to the issuing agency at the earliest of any of the following, unless otherwise determined by the Government:
   (1) When no longer needed for contract performance.
   (2) Upon completion of the Contractor employee’s employment.
   (3) Upon contract completion or termination.

(c) The contracting officer may delay final payment under a contract if the contractor fails to comply with these requirements.