

*Advance procurement* means an exception to the full funding policy that allows acquisition of long lead time items (advance long lead acquisition) or economic order quantities (EOQ) of items (advance EOQ acquisition) in a fiscal year in advance of that in which the related end item is to be acquired. Advance procurements may include materials, parts, components, and effort that must be funded in advance to maintain a planned production schedule.

*Military installation* means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department or, in the case of an activity in a foreign country, under the operational control of the Secretary of a military department or the Secretary of Defense (10 U.S.C. 2801(c)(2)).

■ 3. Section 217.171 is amended by adding paragraph (a)(1)(v) to read as follows:

**217.171 Multiyear contracts for services.**

(a) \* \* \*

(1) \* \* \*

(v) Environmental remediation services for—

(A) An active military installation;

(B) A military installation being closed or realigned under a base closure law as defined in 10 U.S.C. 2667(h)(2); or

(C) A site formerly used by DoD.

\* \* \* \* \*

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 1801, 1811, 1823, 1851, and 1852

#### Government-Owned Contractor-Operated Vehicle Fleet Management and Reporting

**AGENCY:** National Aeronautics and Space Administration

**ACTION:** Interim rule.

**SUMMARY:** This interim rule revises the NASA FAR Supplement (NFS) by requiring contractors to collect data and report on usage of Government-owned contractor-operated vehicles, including Interagency Fleet Management System (IFMS) vehicles.

**DATES:** *Effective Date:* This interim rule is effective July 22, 2003.

*Comment Date:* Interested parties should submit comments to NASA at the address below on or before

September 22, 2003 to be considered in formulation of the final rule.

**ADDRESSES:** Submit written comments to Patrick Flynn, NASA, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546 or via the Internet at [Patrick.Flynn@nasa.gov](mailto:Patrick.Flynn@nasa.gov).

**FOR FURTHER INFORMATION CONTACT:** Patrick Flynn, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358-0460; e-mail: [Patrick.Flynn@nasa.gov](mailto:Patrick.Flynn@nasa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

In Executive Order 13149, "Greening the Government Through Federal Fleet and Transportation Efficiency", section 505 requires Federal agencies to ensure that all Government-owned contractor-operated vehicles comply with all applicable goals and other requirements of the order. Section 302(c) requires agencies to collect data and report on performance in meeting the goals of the order, in accordance with requirements and guidance from the Department of Energy. In July 2000, the Department of Energy prepared the Guidance Document for Federal Agencies, as required by Executive Order 13149. Section 2-3 requires agencies to report data on Government-owned motor vehicle usage, using DOE's Federal Automotive Statistical Tool (FAST). FAST is accessed through <http://fastweb.inel.gov/>. Information required for FAST reporting must be obtained from contractors who have been authorized to obtain vehicles and related services pursuant to FAR paragraph 11.101(b)(1) and the new NFS 1811.101(b)(1) added under this interim rule.

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 interim rule is not a major rule under 5 U.S.C. 804.

##### B. Regulatory Flexibility Act

NASA certifies that this interim rule will not 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 fewer than 100 contracts awarded to both large and small businesses are affected.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104-13) applies because the changes contain recordkeeping or information collection requirements. The Office of

Management and Budget approved this reporting requirement under OMB control number 2700-0106.

#### D. Determination To Issue an Interim Rule

In accordance with 41 U.S.C. 418(d), NASA has determined that urgent and compelling reasons exist to promulgate this interim rule. The basis for this determination is that contractual reporting requirements contained in this interim rule are needed to ensure consistent reporting and an accurate baseline of Government vehicles beginning October 1, 2003. However, pursuant to Pub. L. 98-577 and FAR 1.501, NASA will consider public comments received in response to this interim rule in the formation of the final rule.

#### List of Subjects in 48 CFR Parts 1801, 1811, 1823, 1851, and 1852

Government Procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

■ Accordingly, 48 CFR Parts 1801, 1811, 1823, 1851, and 1852 are amended as follows:

■ 1. The authority citation for 48 CFR Parts 1801, 1811, 1823, 1851, and 1852 continues to read as follows:

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

#### PART 1801—FEDERAL ACQUISITION REGULATIONS SYSTEM

##### 1801.106 [Amended]

■ 2. Amend the table in paragraph (1) of section 1801.106 by adding in numerical sequence the following NFS Segment and OMB Control Number:

NFS segment	OMB control number
1823.271 .....	2700-0106

#### PART 1811—DESCRIBING AGENCY NEEDS

■ 3. Amend section 1811.101 by adding paragraph (b)(1) to read as follows:

##### 1811.101 Order of precedence for requirements documents.

\* \* \* \* \*

(b)(1) Requirements for the use of energy efficient motor vehicles will be established in accordance with NPG 6200.1, "NASA Transportation and General Traffic Management".

\* \* \* \* \*

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

■ 4. Add sections 1823.270 and 1823.271 to read as follows:

### **1823.270 Federal fleet and transportation efficiency.**

Responsibility, policy and procedures for NASA's implementation of Executive Order 13149, "Greening the Government through Federal Fleet and Transportation Efficiency", including cost-effectiveness, are described in NPG 6200.1, "NASA Transportation and General Traffic Management."

### **1823.271 NASA Solicitation provision and contract clause.**

Insert the clause at 1852.223–76, Federal Automotive Statistical Tool Reporting, in solicitations and contracts requiring contractor operation of Government-owned or -leased motor vehicles, including, but not limited to, interagency fleet management system (IFMS) vehicles authorized in accordance with FAR 51.2.

## **PART 1851—USE OF GOVERNMENT SOURCES BY CONTRACTORS**

■ 5. Revise section 1851.202 to read as follows:

### **1851.202 Authorization.**

(a) In accordance with NPG 6200.1, "NASA Transportation and General Traffic Management", the contracting officer shall obtain concurrence from the Transportation Officer before authorizing a contractor to obtain Government-owned or -leased vehicles and related services.

■ 6. Add section 1851.205 to read as follows:

### **1851.205 Contract clause.**

When the clause at FAR 52.251–2 is included in a solicitation or contract, also include the clause set forth at 1852.223–76.

## **PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

■ 8. Add section 1852.223–76 to read as follows:

### **1852.223–76 Federal Automotive Statistical Tool Reporting.**

As prescribed at 1823.271 and 1851.205, insert the following clause:

## **FEDERAL AUTOMOTIVE STATISTICAL TOOL REPORTING**

JULY 2003

If authorized to operate Government-owned or -leased vehicles, including interagency fleet management system (IFMS) vehicles or related services in performance of this contract, the Contractor shall report the data describing vehicle usage required by the Federal Automotive Statistical Tool (FAST) by October 15 of each year. FAST is accessed through <http://fastweb.inel.gov/>.

(End of clause)

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## **DEPARTMENT OF TRANSPORTATION**

### **Office of the Secretary**

### **49 CFR Part 71**

[OST Docket No. OST–2002–13361]

RIN 2105–AD17

### **Standard Time Zone Boundary in the State of North Dakota: Relocation of Sioux County**

**AGENCY:** Department of Transportation (DOT), Office of the Secretary (OST).

**ACTION:** Final rule.

**SUMMARY:** At the request of the Chairman of the Board of County Commissioners for Sioux County, ND, DOT is relocating the boundary between mountain time and central time in the State of North Dakota. DOT is moving all of the county east of State Highway 31 into the central time zone.

**EFFECTIVE DATE:** 2 a.m. MDT Sunday, October 26, 2003, which is the changeover from daylight saving to standard time.

**FOR FURTHER INFORMATION CONTACT:** Joanne Petrie, Office of the Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, Room 10424, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9315, or by e-mail at [joanne.petrie@ost.dot.gov](mailto:joanne.petrie@ost.dot.gov).

### **SUPPLEMENTARY INFORMATION:**

Under the Standard Time Act of 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–64), the Secretary of Transportation has authority to issue regulations modifying the boundaries between time zones in the United States in order to move an area from one time zone to another. The standard in the statute for such decisions is "regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce."

Time zone boundaries are set by regulation (49 CFR part 71). Currently,

under regulation, the southeastern part of the county around Fort Yates is in the central time zone and the remainder of the county is in the mountain time zone. The area near Fort Yates has the greatest population, is the county seat, and has the greatest concentration of schools, businesses, medical facilities, houses of worship and recreational facilities. Areas to the south and east of the county observe central time. Morton County, which is north of Sioux County, is currently split between central and mountain time. Morton County has asked to be changed to central time and that request is currently pending before the Department. Grant County, which lies to the northwest and Adams County, which lies to the west, both observe mountain time.

The Standing Rock Indian Reservation is geographically located in both North and South Dakota and covers approximately 2.3 million acres. All of Sioux County is part of the reservation. The Standing Rock Sioux observe central time. Under the Uniform Time Act, as amended, the county is currently divided between central and mountain time for federal, state and county purposes.

### **Request for a Change**

In 2000, the Chairman of the Board of County Commissioners for Sioux County asked the Department of Transportation to place the entire county on central time. A DOT representative informed the Standing Rock Sioux of this request by telephone and sent a letter to the Chairman of the Tribal Council. On September 27, 2000, a representative of DOT visited the county and met with a representative of the Standing Rock Sioux Tribal Council to ascertain the Council's views on this request. The Tribal Representative explained that the tribe observed central time, had no plans to change that observance, and had no objection to the request of the Sioux County Board of County Commissioners.

On September 27, 2000, the DOT representative also held an informal public hearing at the Sioux County Courthouse to gather public views on this request. The hearing was widely advertised through local newspapers and radio and television stations. In addition, the public was invited to submit written comments to the Department on this possible change.

In addition to the County Commissioners and staff, one member of the public attended and presented testimony. The County Commissioners explained the inconvenience and confusion that resulted from the current time zone boundary. They outlined