

- Adopting and implementing an environmental management system (EMS),
- Having a record of sustained compliance with environmental requirements,
- Demonstrating environmental achievements and committing to continued improvement in particular environmental categories, and
- Engaging the public and quantitatively reporting on their environmental performance.

NEPT member facilities submit annual reports that summarize their progress in achieving their chosen commitments in specific environmental categories. This annual reporting, and additional activities undertaken by member facilities to engage the public, allows a high level of Agency scrutiny to continuously assess facility performance. In addition, facilities are accepted to Performance Track for a period of three years. To continue membership in the program after three years, facilities must renew their membership which includes developing additional, ongoing commitments to environmental performance improvements.

The Agency believes that because of the stringent qualification criteria and ongoing performance assessment, NEPT facilities should benefit from non-regulatory and regulatory flexibility not otherwise available to other generators of hazardous waste. Therefore, what RCRA generator requirements would be appropriate for NEPT facilities? Are there specific hazardous waste generator regulatory requirements that could be reduced, modified or eliminated for Performance Track member facilities?

6. *State programs.* Are there any specific State hazardous waste regulations, interpretations, or implementation programs that EPA should review and evaluate for improving and/or clarifying our generator regulations? If so, please provide copies of or citations to these regulations, interpretations and programs.

7. *Compliance assistance.* EPA wants to help generators understand and comply with the hazardous waste generator regulations. Similarly, EPA wants to provide the most effective support to States and others who provide compliance and technical assistance to hazardous waste generators. To this end, a great deal of compliance assistance information and links to additional resources are available at [www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance).

EPA is interested in obtaining comment on where we can be most

effective in this area. For example, have you sought assistance from EPA in the past? Did you receive the assistance you needed? If not, why not? What types of assistance (information, technical assistance, training, etc.) could EPA provide that would result in greater compliance? How can the assistance be provided cost-effectively? What, if any, barriers to compliance could be removed that would result in greater compliance?

8. *Measuring program performance and environmental results.* To measure performance of the hazardous waste generator program, EPA has in the past relied on indices such as the number of inspections and number of generators in compliance with the regulations. From your perspective, do other or better indices exist that more accurately measure program performance and environmental results? If so, what are they and what mechanisms, particularly existing mechanisms, could EPA use to collect these data? For example, would measuring the number of hazardous waste accidents occurring annually by facility and nationally be a good measure? By type of accident; i.e., spill during transport (either within a facility or between facilities), release from a leaking container, fire, explosion? By type of waste?

9. *Burden reduction.* EPA is also seeking ways to reduce the record keeping and reporting burden on generators, while increasing our ability to measure environmental results more effectively. Over the last few years, EPA initiatives have identified several areas, such as the Biennial Reporting System and the Land Disposal Restrictions program, where record keeping and reporting requirements can be potentially reduced and still maintain our ability to measure environmental results. Are there other areas of the hazardous waste generator regulatory program where burden reduction can occur and still allow EPA to measure environmental results? Conversely, are there specific record keeping and reporting requirements that are redundant, confusing, or very time-consuming and costly that should be reviewed and evaluated? Please identify the specific regulations and reasons for seeking this review.

10. *Fostering pollution prevention and recycling.* EPA strongly believes that source reduction and recycling practices constituting legitimate/beneficial use of secondary materials result in both cost savings to industry and improved environmental benefits. How can EPA encourage generators to practice pollution prevention and recycling? Are there particular industrial sectors, waste

streams, or chemicals on which we should focus our efforts? If so, why? What barriers prevent you from practicing pollution prevention and recycling? What types of assistance (research and development, information, technical assistance, training, incentives, etc.) could EPA provide that would result in your adopting pollution prevention practices or recycling as part of your operation?

Similarly, the Agency is seeking information from generators describing successful pollution prevention and recycling techniques, practices, or processes that could be shared with and transferred to other organizations. In particular, EPA would be interested in facilities identifying the following: industrial sector; a description of the pollution prevention or recycling process, technology, or practice implemented; the costs of implementation; cost savings derived; environmental benefits achieved, such as reduction in air or water releases, resources conserved or reused, and reduction or elimination of hazardous waste generated; and point of contact, if possible.

11. *Program Priorities.* Realizing that EPA will not be able to address all stakeholder concerns immediately, please identify the top three priority projects you would like to see EPA undertake in the near future. In identifying these priorities, please identify the environmental and/or economic benefits of undertaking these projects.

Finally, EPA intends to hold meetings with the public to obtain additional feedback on the above questions. Details about the location and dates of these meetings will be announced in a **Federal Register** notice in the very near future.

Dated: April 15, 2004.

**Michael O. Leavitt,**  
Administrator.

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 1842 through 1851

RIN 2700-AC87

### Re-Issuance of NASA FAR Supplement Subchapter G

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Proposed rule.

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**SUMMARY:** This proposed rule would amend the NASA FAR Supplement (NFS) by removing from the Code of Federal Regulations (CFR) those portions of the NFS containing information that consists of internal Agency administrative procedures and guidance that does not control the relationship between NASA and contractors or prospective contractors. This change is consistent with the guidance and policy in FAR Part 1 regarding what comprises the Federal Acquisition Regulations System and requires publication for public comment. The NFS document will continue to contain both information requiring codification in the CFR and internal Agency guidance in a single document that is available on the Internet. This change will reduce the administrative burden and time associated with maintaining the NFS by only publishing in the **Federal Register** for codification in the CFR material that is subject to public comment.

**DATES:** Comments should be submitted on or before June 21, 2004, to be considered in formulation of the final rule.

**ADDRESSES:** Interested parties may submit comments, identified by RIN number 2700-AC87, via the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Comments may also be submitted to Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546. Comments can also be submitted by e-mail to: [Celeste.M.Dalton@nasa.gov](mailto:Celeste.M.Dalton@nasa.gov).

**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](mailto:Celeste.M.Dalton@nasa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Currently the NASA FAR Supplement (NFS) contains information to implement or supplement the FAR. This information contains NASA's policies, procedures, contract clauses, solicitation provisions, and forms that govern the contracting process or otherwise control the relationship between NASA and contractors or prospective contractors. The NFS also contains information that consists of internal Agency administrative procedures and guidance that does not control the relationship between NASA and contractors or prospective contractors. Regardless of the nature of the information, as a policy, NASA has

submitted to the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) and published in the **Federal Register** all changes to the NFS. FAR 1.101 states in part that the "Federal Acquisition Regulations System consists of the Federal Acquisition Regulation (FAR), which is the primary document, and agency acquisition regulations that implement or supplement the FAR. The FAR System does not include internal agency guidance of the type described in 1.301(a)(2)." FAR 1.301(a)(2) states in part "an agency head may issue or authorize the issuance of internal agency guidance at any organizational level (e.g., designations and delegations of authority, assignments of responsibilities, work-flow procedures, and internal reporting requirements)." Further, FAR 1.303 states that issuances under FAR 1.301(a)(2) need not be published in the **Federal Register**. Based on the foregoing, NASA is not required to publish and codify internal Agency guidance.

This proposed rule will modify the existing practice by only publishing those regulations which may have a significant effect beyond the internal operating procedures of the Agency or have a significant cost or administrative impact on contractors or offerors. The NFS will continue to integrate into a single document both regulations subject to public comments and internal Agency guidance and procedures that do not require public comment. Those portions of the NFS that require public comment will continue to be amended by publishing changes in the **Federal Register**. NFS regulations that require public comment are issued as chapter 18 of title 48, CFR. Changes to portions of the regulations contained in the CFR, along with changes to internal guidance and procedures, will be incorporated into the NASA-maintained Internet version of the NFS through Procurement Notices (PNs). The single official NASA-maintained version of the NFS will remain available on the Internet. NASA personnel must comply with all regulatory and internal guidance and procedures contained in the NFS.

This change will result in savings in terms of the number of rules subject to publication in the **Federal Register** and provide greater responsiveness to internal administrative changes.

**B. Regulatory Flexibility Act**

This proposed rule is not expected 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 this proposed rule would only

remove from the CFR information that is considered internal Agency administrative procedures and guidance. The information removed from the CFR will continue to be made available to the public via the Internet.

**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 1842 Through 1851**

Government procurement.

**Tom Luedtke,**

*Assistant Administrator for Procurement.*

Accordingly, 48 CFR parts 1842 Through 1851 are proposed to be amended as follows:

1. The authority citation for 48 CFR parts 1842 through 1851 continues to read as follows:

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

**PART 1842—CONTRACT ADMINISTRATION AND AUDIT SERVICES**

2. Amend Part 1842 by—

(a) Removing Subpart 1842.1, sections 1842.202, 1842.202-70, 184.2.270, Subparts 1842.3, 1842.5, 1842.7, 1842.8, 1842.12, 1842.13, 1842.14, and 1842.15;

**1842.7201 [Amended]**

(b) In section 1842.7201, removing and reserving paragraph (a) and removing paragraphs (b)(3) through (b)(5) and paragraph (c); and

(c) Removing Subpart 1842.73 and section 1842.7401.

**PART 1843—CONTRACT ADMINISTRATION**

**Subpart 1843.70 [Removed]**

3. Amend Part 1843 by removing Subpart 1843.70.

**PART 1844—SUBCONTRACTING POLICIES AND PROCEDURES**

4. Amend Part 1844 by removing sections 1844.201, 1844.201-1, 1844.202, 1844.202-1, and Subpart 1844.3.

**PART 1845—GOVERNMENT PROPERTY**

5. Amend Part 1845 by—

(a) Removing sections 1845.102, 1845.102-70, 1845.102-71, 1845.104, 1845.106;

(b) In section 1845.106–70(e), removing “Office of the Headquarters Office of Management Systems and Facilities (Code JLG)” and adding “Division of the Headquarters Office of Infrastructure and Management (Code OJG)” in its place;

(c) Removing section 1845.106–71, Subpart 1845.3, and sections 1845.402, 1845.403;

(d) In section 1845.405–70, removing paragraphs (b), (c), and (d);

(e) Removing sections 1845.406, and 1845.406–70;

(f) In section 1845.407, removing paragraph (a);

(g) Removing sections 1845.606, 1845.606–1;

(h) In section 1845.607–170, removing and reserving paragraphs (b) and (c);

(i) Removing sections 1845.608, 1845.608–1, 1845.608–6, and 1845.610–3;

(j) In section 1845.610–4, removing “NPG 4300.1” and adding “NPR 4300.1, NASA Personal Property Disposal Procedures and Guidelines” in its place;

(k) Removing sections 1845.613, 1845.615, and Subpart 1845.70;

(l) Removing and reserving sections 1845.7201, 1845.7202, 1845.7203, 1845.7204, 1845.7205, 1845.7206, 1845.7206–1, 1845.7206–2, 1845.7207, 1845.7208, 1845.7208–1, 1845.7208–2, 1845.7209–1, and 1845.7209–2;

(m) In section 1845.7210–1, removing and reserving paragraphs (a), (b), and (d); and

(n) Removing section 1845.7210–2.

#### **PART 1846—QUALITY ASSURANCE**

6. Amend Part 1846 by—

(a) Removing sections 1846.000, and 1846.401;

(b) In section 1846.670–1,

(i) Deleting “assurance (CQA)” at the end of paragraph (a); and

(ii) In the introductory text of paragraph (b), removing “CQA” and adding “contract quality assurance (CQA)” in its place;

(c) In the first sentence of the introductory text of section 1846.672–4, removing “or” and adding “of” in its place; and

(d) Removing Subpart 1846.7.

#### **PART 1847—TRANSPORTATION**

7. Amend Part 1847 by removing Subpart 1847.2, sections 1847.304, 1847.304–3, 1847.304–370, 1847.305–10, 1847.305–13, and Subpart 1847.5.

#### **PART 1848—VALUE ENGINEERING**

8. Remove and reserve Part 1848.

#### **PART 1849—TERMINATION OF CONTRACTS**

##### **Subpart 1849.1—[Amended]**

9. Amend Part 1849 by removing Subpart 1849.1.

#### **PART 1850—EXTRAORDINARY CONTRACTUAL ACTIONS**

10. Amend Part 1850 by—  
(a) Removing Subparts 1850.2 and 1850.3;

(b) In section 1850.403–1, redesignating paragraph (a) as paragraph (b) and adding a new paragraph (a); and  
(c) Removing sections 1850.403–2 and 1850.470.

The new paragraph (a) to section 1850.403–1 reads as follows:

##### **1850.403–1 Indemnification requests.**

(a) Contractor indemnification requests must be submitted to the cognizant contracting officer for the contract for which the indemnification clause is requested. Contractors shall submit a single request and shall ensure that duplicate requests are not submitted by associate divisions, subsidiaries, or central offices of the contractor.

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

11. Amend Part 1851 by removing section 1851.102, paragraph (c) of section 1851.102–70, and section 1851.202.

[FR Doc. 04–9013 Filed 4–21–04; 8:45 am]

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#### **DEPARTMENT OF THE INTERIOR**

##### **Fish and Wildlife Service**

##### **50 CFR PART 14**

##### **RIN 1018–AT59**

##### **Conferring Designated Port Status on Houston, Texas; Louisville, Kentucky; and Memphis, Tennessee**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; notice of hearings.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, propose to make Houston, Texas; Louisville, Kentucky; and Memphis, Tennessee, designated ports under section 9(f) of the Endangered Species Act of 1973 (ESA). This action would allow the direct importation and exportation of wildlife

and wildlife products through these growing international ports. We are proposing to amend the regulations in 50 CFR Part 14 to reflect this designation. We will hold public hearings to collect comments on this change. We also seek written comments from the public.

**DATES:** Submit comments on or before May 24, 2004. See the Supplementary Information section for information on the public hearing dates and the dates by which you must request approval to participate in these hearings.

**ADDRESSES:** Comments and materials concerning this proposed rule should be sent to: Special Agent in Charge, Branch of Investigations, U.S. Fish and Wildlife Service, Office of Law Enforcement, 4401 North Fairfax Drive, MS 3000, Arlington, Virginia 22203. Comments and materials may be hand-delivered to the U.S. Fish and Wildlife Service, 4501 North Fairfax Drive, Suite 3000, Arlington, Virginia, between the hours of 8 a.m. and 4 p.m., Monday through Friday. For the locations of the public hearings and information on presenting oral or written comments, see the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Gregory Jackson, Special Agent in Charge, Branch of Investigations, U.S. Fish and Wildlife Service, Office of Law Enforcement, at (703) 358–1949.

##### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The ESA requires that all fish and wildlife, with only limited exceptions, be imported and exported through designated ports. Designated ports facilitate U.S. efforts to monitor wildlife trade and enforce wildlife protection laws and regulations by funneling wildlife shipments through a limited number of locations. The Secretary of the Interior, with approval of the Secretary of the Treasury, designates ports for wildlife trade by regulation after holding a public hearing and collecting and considering public comments. The Service selects designated ports based upon numerous criteria, such as volume of wildlife shipments, geographic diversity, frequency of requests for designated port exception permits, and the proximity to existing ports of entry. The Service presently has 14 designated ports of entry for the importation and exportation of wildlife and wildlife products: Anchorage, Alaska; Atlanta, Georgia; Baltimore, Maryland; Boston, Massachusetts; Chicago, Illinois; Dallas/Fort Worth, Texas; Honolulu, Hawaii; Los Angeles, California; Miami, Florida; New Orleans, Louisiana; New York,