

additional funding because of production efficiencies or other cost reductions;

(c) The amount of funds used for the acquisition of the higher quantity of the end item will not exceed the amount provided under that law for the acquisition of the end item; and

(d) The amount provided under that law for the acquisition of the end item is sufficient to ensure that each unit of the end item acquired within the higher quantity is fully funded as a complete end item.

#### 207.7003 Limitation.

For noncompetitive acquisitions, the acquisition of additional quantities is limited to not more than 10 percent of the quantity approved in the justification and approval prepared in accordance with FAR part 6 for the acquisition of the end item.

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## DEPARTMENT OF DEFENSE

### 48 CFR Part 217

[DFARS Case 2003-D004]

#### Defense Federal Acquisition Regulation Supplement; Multiyear Procurement Authority for Environmental Services for Military Installations

**AGENCY:** Department of Defense (DoD).

**ACTION:** Interim rule with request for comments.

**SUMMARY:** DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 827 of the National Defense Authorization Act for Fiscal Year 2003. Section 827 authorizes DoD to enter into multiyear contracts for environmental remediation services for military installations.

**DATES:** *Effective date:* July 22, 2003.

*Comment date:* Comments on the interim rule should be submitted to the address shown below on or before September 22, 2003, to be considered in the formation of the final rule.

**ADDRESSES:** Respondents may submit comments directly on the World Wide Web at <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. As an alternative, respondents may e-mail comments to: [dfars@acq.osd.mil](mailto:dfars@acq.osd.mil). Please cite DFARS Case 2003-D004 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: Mr. Euclides Barrera, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062; facsimile (703) 602-0350. Please cite DFARS Case 2003-D004.

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

**FOR FURTHER INFORMATION CONTACT:** Mr. Euclides Barrera, (703) 602-0296.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

10 U.S.C. 2306c provides authority for DoD to enter into contracts for periods of not more than 5 years for certain services, and for items of supply related to those services, even though funds would otherwise be available for obligation only within the fiscal year for which appropriated. Such contracts are authorized if the head of the agency finds that (1) there will be a continuing requirement for the services consonant with current plans for the proposed contract period; (2) the furnishing of such services will require a substantial initial investment in plant or equipment, or the incurrence of substantial contingent liabilities for the assembly, training, or transportation of a specialized work force; and (3) the use of such a contract will promote the best interests of the United States by encouraging effective competition and promoting economies in operation. 10 U.S.C. 2306c is implemented at DFARS 217.171(a).

Section 827 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107-314) amended 10 U.S.C. 2306c to add environmental remediation services for military installations to the types of services for which multiyear contracting is authorized. This interim rule amends DFARS 217.171(a), and adds a definition of "military installation" at DFARS 217.103, to implement Section 827.

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 application of the rule is limited to contracts for environmental remediation services for military installations. In addition, before using

the multiyear contracting authority provided by the rule, the head of the agency must determine that certain conditions exist, to include a determination that use of a multiyear contract will promote the best interests of the United States by encouraging effective competition and promoting economies in operations. 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 subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003-D004.

##### 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.*

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

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish an interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 827 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107-314), which provides authority for DoD to enter into multiyear contracts for environmental remediation services for military installations. Section 827 became effective upon enactment on December 2, 2002. Comments received in response to this interim rule will be considered in the formation of the final rule.

##### List of Subjects in 48 CFR Part 217

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

■ Therefore, 48 CFR Part 217 is amended as follows:

■ 1. The authority citation for 48 CFR Part 217 continues to read as follows:

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

##### PART 217—SPECIAL CONTRACTING METHODS

■ 2. Section 217.103 is revised to read as follows:

##### 217.103 Definitions.

As used in this subpart—

*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*.

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

\* \* \* \* \*