

Name of source	Permit number	State effective date	EPA approval date	Explanation
None	

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-7468-5]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of a portion of the former Nansemond Ordnance Depot Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region III announces the deletion of a portion of the former Nansemond Ordnance Depot site (Nansemond) from the National Priorities List (NPL). The NPL constitutes appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. EPA and the Commonwealth of Virginia have determined that all appropriate responses under CERCLA have been implemented at the portions of the site being deleted from the NPL and that no further response action is appropriate.
EFFECTIVE DATE: March 20, 2003.

ADDRESSES: Comprehensive information on this release is available for viewing at the site information repositories at the following locations:

Tidewater Community College (Frederick Campus) Library, Information Desk, 7000 College Drive, Portsmouth, Virginia 23703. (757) 822-2130. Hours of operation: Monday through Thursday 8 a.m. to 9 p.m., Friday 8 a.m. to 4:30 p.m. and Saturday 9 a.m. to 1 p.m.
 U.S. EPA Region III Library, 1650 Arch Street, Philadelphia, PA 19103-2029. (215) 814-5254. Hours of operation: Monday through Friday, 8 a.m.-5 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Thomson, PE, Remedial Project Manager, U.S. EPA Region III (3HS13), 1650 Arch Street, Philadelphia, PA 19103-2029. (215) 814-3357.

SUPPLEMENTARY INFORMATION:

The portion of the site to be deleted from the NPL is the soil in the Impregnation Kit Area. The Impregnation Kit Area (also known as the "Impregnite Kit" or "XXCC3" area) is an approximately 300,000 square foot, rectangular area in the southwestern portion of Nansemond, about 1000 feet from the Nansemond River. Only soil in this area is being deleted from the NPL; ground water beneath the Impregnation Kit Area will not be deleted at this time.

A notice of intent to delete this portion of the site was published January 21, 2003 (68 FR 2726). The closing date for comments on the notice of intent to delete was February 20, 2003. EPA received no comments.

EPA identifies releases which appear to present a significant risk to public health, welfare, or the environment, and

it maintains the NPL as the list of those releases. Releases on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund. Any release deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund.

Dated: March 7, 2003.

Donald S. Welsh,

Regional Administrator, Region III.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

2. Table 1 of Appendix B to part 300 is amended by revising the entry for VA, Former Nansemond Ordnance Depot, Suffolk to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

St.	Site name	City/county	Notes(a)
VA	Former Nansemond Ordnance Depot	Suffolk	P

(a) * * *

P = Sites with partial deletion(s).

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1817

RIN 2700-AC33

Interagency Acquisitions—Authority for Use

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule revises the NASA Federal Acquisition Regulation (FAR) Supplement (NFS) to specify that the Space Act is the authority for all NASA interagency acquisitions except those acquired under the authority of the Inspector General Act of 1978 for the NASA Office of the Inspector General. This final rule further specifies that the requirements of the Economy Act will be applied to these acquisitions as a matter of policy. These changes will ensure greater clarity regarding the source and application of NASA's authority for interagency acquisitions.

EFFECTIVE DATE: March 20, 2003.

FOR FURTHER INFORMATION CONTACT: Lou Becker, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546, telephone: (202) 358-4593, e-mail to: lbecker@hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

FAR Subpart 17.5 as supplemented by NFS 1817.5 addresses interagency acquisitions under the Economy Act (31 U.S.C 1535). NFS 1817.72 addresses interagency acquisitions under the Space Act. NFS guidance is not clear on when the Economy Act or Space Act should be used as the authority for an interagency acquisition. Additionally, NFS guidance does not address interagency acquisition authority under the Inspector General Act of 1978 (5 U.S.C. Appendix III). FAR 17.500(b) states that the Economy Act applies when more specific statutory authority does not apply. The Space Act is a more specific authority and should be used as the authority for all NASA interagency acquisitions except those acquired under the authority of the Inspector General Act. This final rule revises the NFS to specify that the Inspector General Act is the authority for interagency acquisitions for the NASA

Office of Inspector General and that the Space Act is the authority for all other NASA interagency acquisitions. However, it is NASA policy to apply the requirements of the Economy Act to its interagency acquisitions. This final rule makes clear that interagency acquisitions shall conform to the requirements of the Economy Act.

B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small businesses within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it only clarifies the authority used by NASA for interagency acquisitions.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose new 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 Part 1817

Government procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

Accordingly, 48 CFR 1817 is amended to read as follows:

1. The authority citation for 48 CFR part 1817 continues to read as follows:

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

PART 1817—SPECIAL CONTRACTING METHODS

2. Add section 1817.500 to read as follows:

1817.500 Scope of subpart.

(b) *See* 1817.72.

3. Remove sections 1817.503 and 1817.504.

4. Revise section 1817.7201 to read as follows:

1817.7201 Policy.

The Space Act (42 U.S.C. 2473) applies to NASA interagency acquisitions except those for the NASA Office of Inspector General acquired under the authority of the Inspector General Act of 1978 (5 U.S.C. Appendix III). NASA has elected to conform its implementation of the Space Act and the Inspector General Act to the requirements of the Economy Act (*see* FAR 17.5).

5. Add sections 1817.7202 and 1817.7203 to read as follows:

1817.7202 Determinations and findings requirements.

(a) Interagency acquisitions shall be supported by a Determination and Finding (D&F) equivalent to that required for Economy Act transactions (*see* FAR 17.503). This requirement applies to all purchases of goods or services under contracts entered into or administered by agencies other than NASA including the Military Departments. The Space Act shall be cited as authority for all NASA interagency acquisitions except that the Inspector General Act shall be cited as the authority for interagency acquisitions for the NASA Office of Inspector General.

(b) To satisfy the D&F requirement identified in FAR 17.503(a)(2), current market prices, recent acquisition prices, or prices obtained by informational submissions as provided in FAR 15.201 may be used to ascertain whether the acquisition can be accomplished more economically from commercial sources.

(c) The determination described in paragraph (a) of this section is not required for contracts awarded under the Space Act to Government agencies pursuant to a Broad Agency Announcement when a review of the acquisition records would make it obvious that the award is not being used as a method of circumventing regulatory or statutory requirements, particularly FAR part 6, Competition Requirements (*e.g.*, when a significant number and value of awards made under the BAA are made to entities other than Government agencies).

(d) All D&F's for a servicing agency not covered by the FAR shall be approved by the Assistant Administrator for Procurement.

1817.7203 Ordering procedures.

To satisfy the ordering procedures in 17.504(b)(4), all payment provisions shall require the servicing agency or department to submit a final voucher, invoice, or other appropriate payment document within six months after the completion date of the order. A different period may be specified by mutual agreement if six months is not sufficient.

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