

contracting policy for surveying and mapping within the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS): National Ocean Service, Contracting Policy for Surveying and Mapping Services, June 4, 1996.

### Background

A National Ocean Service (NOS) mission, as authorized by the Coast and Geodetic Survey Act of 1947 (33 U.S.C. 883a-i)<sup>1</sup> is to provide nautical and aeronautical charts and other information products that support safe navigation for marine and air commerce, and to establish and maintain a high precision national coordinate system to provide basic reference data products for engineering and scientific purposes in support of commerce and industry.

This mission encompasses those activities associated with the field collection of surveying and mapping data, the analysis and compilation of the data, and the dissemination of the data in useful products for the full public benefit. For the purposes of this policy, the term "surveying and mapping" is defined as including, but not limited to, the following activities; geodetic control, hydrography, photogrammetry, topography, remote sensing, geophysical (gravity, seismological, geomagnetic) measurements, tide and current observations, and specialized data compilation processes.

The Coast and Geodetic Survey Act also authorizes NOS to utilize state-of-the-art technology to improve the efficiency, as well as the scientific and engineering knowledge, of surveying and mapping activities.

NOS recognizes that qualified commercial sources can provide competent, professional, cost-effective surveying and mapping services to NOS in support of the above mission. In general, it is the intent of NOS to contract for mapping and surveying services when qualified commercial sources exist, and when such contracts are the most cost effective method of conducting these functions. This policy statement documents the framework and conditions under which contracting for surveying and mapping services will be employed to ensure an open, consistent, approach. To support this policy, NOS will maintain a dialogue with professional and business organizations and constituent groups.

### Policy

#### Private Sector Role

It is NOS policy to procure surveying and mapping services from qualified commercial sources in accordance with

Federal acquisition regulations and other applicable laws when such procurement is the most cost effective source, unless (1) A product or service is inherently governmental in nature; (2) there is no commercial source capable of providing a needed product or service to NOS at the required standard of performance, and at a price equal to or less than existing government services; (3) Government production, manufacture, or provision of a product or service is necessary for national defense; or, (4) the procured services cannot reasonably be quality controlled to ensure safety of navigation in the national airspace or coastal waters.

NOS surveying and mapping activities considered inherently governmental in nature include services necessary to: (1) Monitor the quality of NOS products; (2) promulgate and promote national technical standards and specifications; (3) conduct basic research and development and ensure the rapid transfer to the private sector of the technology derived therefrom; and (4) maintain the Federal geodetic and navigational data bases. To carry out the above activities, and to adequately monitor contracted services, NOS will maintain a core capability of field and office expertise.

NOS decisions regarding contracting will include consideration of factors such as (1) Sufficiency of resources appropriated to support national programs, (2) Federal laws, regulations, policies, and procedures governing contracting, and utilization of the private sector for commercial activities, (3) Federal laws, regulations, and collective bargaining agreements that ensure fair and equitable treatment for Federal employees, (4) availability of critical in-house technical and managerial capability needed to use commercial sources effectively, (5) Federal policies regarding the liability of independent contractors for their acts or inactions, and (6) Federal requirements to regulate and manage the national airspace and coastal waters.

#### Contracting Basis

In general, it is NOS policy to award contracts for surveying and mapping services in accordance with Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 *et seq.*) commonly known as the "Brooks Act". NOS may, however, elect to employ other contracting methods in accordance with federal acquisition regulations and other applicable laws when conditions determine that alternative contracting methods best serve the Government's interest.

The Brooks Act enables the Government to contract for surveying and mapping services on the basis of demonstrated competence and qualifications for the type of professional services required, and at fair and reasonable prices. NOS has determined that the Brooks Act is the appropriate contract basis for surveying and mapping services because the professional nature of the services to be procured require that potential contractors have specialized technical expertise. Surveying and mapping services are of a highly technical nature, and it is critical that all activities, from collection through compilation be performed to high standards of accuracy and quality control to meet the NOS mission of accurate, reliable products. By employing the Brooks Act, NOS is able to utilize a selection process that places priority on potential contractors' qualifications and expertise.

To view the Brooks Act, Pub. L. 92-582 or the Hydrographic Services Improvement Act (which established the HSRP FAC), visit <http://nauticalcharts.noaa.gov/ocs/hsrp/archive/library.htm>.

Dated: April 28, 2005.

**Peter Gibson,**

*Acting Deputy Director, Management and Budget.*

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**BILLING CODE 3510-ME-P**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities: Notice of Intent To Renew Collection 3038-0015, Copies of Crop and Market Information Reports

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on large trade reports.

**DATES:** Comments must be submitted on or before July 5, 2005.

**ADDRESSES:** Comments may be mailed to Gary Martinaitis, Division of Market Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581.

**FOR FURTHER INFORMATION CONTACT:** Gary Martinaitis, (202) 418-5209; FAX: (202) 418-5527; e-mail: [gmartinaitis@cftc.gov](mailto:gmartinaitis@cftc.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in

the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and

- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

Copies of Crop and Market Information Reports, OMB control number 3038-0015—Extension

The information collected pursuant to this rule, 17 CFR 140, is in the public interest and is necessary for market surveillance.

The Commission estimates the burden of this collection of information as follows:

**ESTIMATED ANNUAL REPORTING BURDEN**

17 CFR section	Annual number of respondents	Total annual responses	Hours per response	Total hours
140 .....	30	30	0.16	5

There are no capital costs or operating and maintenance costs associated with this collection.

Dated: April 26, 2005.

**Jean A. Webb,**

*Secretary of the Commission.*

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**BILLING CODE 6351-01-M**

**COMMODITY FUTURES TRADING COMMISSION**

**Agency Information Collection Activities: Notice of Intent To Renew Collection 3038-0021, Regulations Governing Bankruptcies of Commodity Brokers**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the

notice. This notice solicits comments on Regulations Governing Bankruptcies of Commodity Brokers.

**DATES:** Comments must be submitted on or before July 5, 2005.

**ADDRESSES:** Comments may be mailed to Lawrence B. Patent, Division of Clearing & Intermediary Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581.

**FOR FURTHER INFORMATION CONTACT:** Lawrence B. Patent, (202) 418-5439; FAX: (202) 418-5536; e-mail: [lpatent@cftc.gov](mailto:lpatent@cftc.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing

notice of the proposed collection of information listed below.

With respect to the following collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and

- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

Regulations Governing Bankruptcies of Commodity Brokers, OMB control number 3038-0021—Extension.

The information collected pursuant to this rule is intended to protect, to the extent possible, the property of the public in the case of the bankruptcy of a commodity broker.

The Commission estimates the burden of this collection of information as follows: