

addresses the current needs of the acquisition community or whether providing standard provisions and/or clauses, or a set of such standard provisions and clauses, might be beneficial. A review of agency-specific guidance on OCI's may reveal useful language, tools, and/or training that might be beneficial if expanded Governmentwide. The Councils also believe a review of current available training to contracting officers on the identification and mitigation of OCIs is necessary and should be included, with a gap analysis and recommendations.

4. The Acquisition Advisory Panel (AAP) was chartered by the Congress at Section 1423 of the Services Acquisition Reform Act (SARA). Relevant portions of the final report of the AAP are located on the Web at <http://acquisition.gov/comp/aap/documents/Chapter6.pdf>. The Acquisition Advisory Panel (AAP) found that "the use of contractor employees to perform functions previously performed by Government employees combined with consolidation in many sectors of the contractor community has increased the potential for organizational conflicts of interest" (AAP Final Report, Chapter 6, Finding 6, page 417). The nature of the blended or multisector workforce could potentially distort previously clear distinctions between Government employees and private-sector employees, who often are working side-by-side, and may add complexity to the business ethics landscape for which the acquisition community needs updated guidance.

5. Two recent FAR cases, 2006-007 and 2007-006, have expanded, or proposed to expand, general business ethics coverage and requirements in the FAR with respect to contractor entities. The former case was published as a final rule at 72 FR 65873, November 23, 2007, with an effective date of December 24, 2007. It requires employers to post Inspector General (IG) Hotline posters in their places of business, to have a written code of business ethics, and, with the exception of small businesses, to have a formal business ethics training program and internal control system. The latter case was published as a proposed rule at 72 FR 64019, November 14, 2007, whose comment period closed on January 14, 2008. The Councils are now reviewing the comments received. FAR Case 2007-006 proposes additional mandatory requirements for the business ethics programs. For example, contractors that do not timely report violations of law in connection with a Government contract or subcontract may be subject to suspension or debarment.

6. Other Government agencies' approaches are located at the following Web sites:

**AGENCY FOR INTERNATIONAL DEVELOPMENT — Organizational conflicts of interest discovered after award:** Section 752.209-71 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr752\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr752_07.html).

**DEPARTMENT OF EDUCATION — Organizational conflicts of interest:** Section 3452.209-70 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr3452\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr3452_07.html).

**DEPARTMENT OF ENERGY — Organizational conflicts of interest:** Subpart 909.5 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr909\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr909_07.html); and sections 952.209-8 and 952.209-72 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr952\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr952_07.html).

**DEPARTMENT OF HOMELAND SECURITY — Organizational conflicts of interest:** Sections 3052.209-72 and 3052.209-73 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr3052\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr3052_07.html).

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT — Organizational conflicts of interest:** Sections 2452.209-70 thru 2452.209-72 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr2452\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr2452_07.html).

**DEPARTMENT OF VETERANS AFFAIRS — Organizational conflict of interest:** Subpart 809.5 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr809\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr809_07.html); and section 852.209-70 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr852\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr852_07.html).

**ENVIRONMENTAL PROTECTION AGENCY — Organizational conflicts of interest:** Subpart 1509.5 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr1509\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr1509_07.html); and sections 1552.209-70 thru 1552.209-75 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr1552\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr1552_07.html).

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION — Organizational conflict of interest — Limitation on future contracting:** Section 1852.209-71 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr1852\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr1852_07.html).

**NUCLEAR REGULATORY COMMISSION — Organizational conflicts of interest:** Subpart 2009.5 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr2009\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr2009_07.html); and sections 2052.209-71 and 2052.209-72 located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/48cfr2052\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/48cfr2052_07.html).

## B. Solicitation of Public Comment

The Councils are seeking comments on whether additional coverage in this area is needed, the suitability of expanding Governmentwide one or a combination of the agencies' approaches, and whether expanded coverage would enhance the integrity of the Government's decision-making processes.

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

Dated: March 19, 2008.

**Al Matera,**

*Director, Acquisition Policy Division.*

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**BILLING CODE 6820-EP-S**

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 2007-0048]

RIN 2127-AJ44, RIN 2127-AJ49

### Federal Motor Vehicle Safety Standards, Child Restraint Systems; Anthropomorphic Test Devices

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Reopening of comment period.

**SUMMARY:** This document reopens the comment period on a supplemental notice of proposed rulemaking (SNPRM) to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 213, "Child Restraint Systems." Among other things, the SNPRM proposed to specify procedures the agency would use to position a Hybrid III 10-year-old child dummy and a Hybrid III 6-year-old child dummy in booster seats when conducting FMVSS No. 213 compliance tests. Comments on the SNPRM were due March 24, 2008. The Juvenile Products Manufacturers Association (JPMA) petitioned NHTSA to extend the comment period by a minimum of 60 days to appropriately respond with comments to the notice. We have granted the request to extend the comment period and are reopening the comment period for 45 days.

**DATES:** Comments must be received by May 12, 2008.

**ADDRESSES:** You may submit comments (identified by the Docket ID Number above) by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202-493-2251.

*Instructions:* For detailed instructions on submitting comments and additional information on the rulemaking process, see the Submission of Comments heading of the SNPRM published January 23, 2008. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** For technical issues, you may call Dr. Roger

Saul, Office of Rulemaking (Telephone: 202-366-1740) (Fax: 202-493-2990). For legal issues, you may call Ms.

Deirdre Fujita, Office of Chief Counsel (Telephone: 202-366-2992) (Fax: 202-366-3820). You may send mail to these officials at the National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** On January 23, 2008, NHTSA published an SNPRM that, among other things, proposed seating procedures for positioning the Hybrid III (HIII) 10-year-old child dummy and the HIII 6-year-old child dummy in booster seats when the dummies are used in FMVSS No. 213 compliance tests (73 FR 3901; Docket No. 2007-0048). The SNPRM supplemented a notice of proposed rulemaking (NPRM) published on August 31, 2005 that proposed to expand the applicability of FMVSS No. 213 to restraints recommended for children weighing up to 80 pounds, and require booster seats and other child restraints produced for older children to meet performance criteria when tested with the HIII 10-year-old child test dummy (70 FR 51720; DMS Docket No. 21245).<sup>1</sup> The SNPRM provided a 60-day comment period, which ended March 24, 2008.

On March 20, 2008, JPMA petitioned NHTSA to extend the comment period by a minimum of 60 days in order to provide more time to thoroughly evaluate the seating procedures proposed to position the HIII 10-year-old and 6-year-old child dummies in

<sup>1</sup>The agency also issued an NPRM that proposed to adopt specifications and performance requirements for the HIII 10-year-old child test dummy into 49 CFR Part 572 (notice of proposed rulemaking published July 13, 2005, 70 FR 40281; Docket No. NHTSA 2004-2005-21247).

booster seats. JPMA noted that CRS manufacturers do not have immediate access to the HIII 10-year-old child dummy, and with additional time will be able to obtain the HIII 10-year-old child dummy and gain familiarity with the seating procedures. JPMA believes that extending the comment period by a minimum of 60 days will provide enough time to complete ongoing testing and evaluation of the new seating procedures, which will in turn lead to more meaningful responses based on real experience and test data.

#### Agency Decision

The agency is reopening the comment period for the January 23, 2008 SNPRM for 45 days in order to balance the interest of receiving meaningful responses and relevant test data with the interest of completing the rulemaking as soon as possible. The JPMA petition indicated that CRS manufacturers are already involved in activities to test and evaluate the seating procedure. Because these efforts have already begun, we believe a 45-day comment period should provide commenters sufficient time to obtain the HIII 10-year-old child dummy, evaluate the seating procedures for the two child dummies, and gain experience using the test dummies in sled testing of booster seats. It is further noted that the agency will consider comments submitted after the 45-day period to the extent possible.

(Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.)

Issued on March 21, 2008.

**Roger A. Saul,**

*Director, Office of Crashworthiness Standards.*

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