

part of each basing alternative. A sixth alternative, No Action, assumes no aircraft would be replaced, aircraft operations would continue at the current level, and no infrastructure improvements or personnel changes related to basing the F-35B aircraft on the West Coast would occur.

Potential impacts were evaluated in the Draft EIS under all alternatives for the following resources: airfields and airspace; noise; air quality; safety and environmental health; land use; infrastructure and utilities; socioeconomic; community facilities and services; ground traffic and transportation; environmental justice; hazardous materials management; biological resources; topography, geology and soils; water resources; and cultural and traditional resources.

The preferred alternative would result in a reduction of 30 aircraft and 635 military personnel at MCAS Miramar and an increase of 32 aircraft and 491 military personnel at MCAS Yuma. New support facilities at MCAS Miramar would include two new hangars, helipad and apron expansion, wash racks and rinse facilities, a simulator facility, and a runway upgrade. New support facilities at MCAS Yuma would include four new hangars, modifications to an existing hangar, new wash racks, runway upgrades, enlisted quarters and dining facility, a simulator facility, new parking apron, and other minor infrastructure improvements.

Environmental consequences of the proposed action would principally arise from construction; impacts from operation of the F-35B would be relatively minor. The Draft EIS enumerates an array of conservation and construction measures and features of project design and planning that would avoid and minimize most potential impacts. The proposed action would fully comply with regulatory requirements for the protection of environmental resources.

Unavoidable impacts of implementing the preferred alternative include construction impacts on biological resources at MCAS Miramar, especially one threatened (Coastal California Gnatcatcher) and one endangered species (San Diego Fairy Shrimp), and loss of 0.05 acres of vernal pool habitat. Construction of an auxiliary landing field at the Barry M. Goldwater Range West would affect habitat for a species (flat-tailed horned lizard) proposed for listing as threatened. A Biological Assessment has been submitted to the U.S. Fish & Wildlife Service in compliance with Section 7 of the Endangered Species Act.

The other alternatives have similar types and levels of impacts, with the most extensive unavoidable impacts occurring at MCAS Miramar under Alternative 5 (10 operational squadrons at MCAS Miramar, 1 operational and 1 OT&E squadron at MCAS Yuma) related to the loss of an area supporting vernal pool habitat and associated federally listed species.

#### Schedule

The Notice of Availability publication in the **Federal Register** and local print media starts the 46-day public comment period for the Draft EIS. DoN will consider and respond to all written and electronic comments, including e-mail, submitted as described above in preparing the Final EIS. DoN intends to issue the Final EIS in September 2010, at which time an NOA will be published in the **Federal Register** and local print media. A Record of Decision is expected in December 2010. Copies of the Draft EIS can be found on the project Web site, <http://www.usmcjsfwest.com> or at the following locations:

(1) San Diego County Public Library Fallbrook Branch, 124 S. Mission Road, Fallbrook, CA 92028, telephone: 760-728-2373,

(2) San Diego Public Library Mira Mesa Branch, 8405 New Salem Street, San Diego, CA 92126, telephone: 858-538-8165,

(3) Scripps-Miramar Ranch Library Miramar, 10301 Scripps Lake Drive, San Diego, CA 92131, telephone: 858-538-8158,

(4) Yuma County Library Heritage Branch (Main Library) 350 Third Avenue, Yuma, AZ 85364, telephone: 928-782-1871.

Dated: May 18, 2010.

**A.M. Vallandingham,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Preferred Supplier Program (PSP)

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice of proposed policy letter.

**SUMMARY:** The Deputy Assistant Secretary of the Navy, Acquisition and Logistics Management (DASN (A&LM)), is soliciting comments that the Department of the Navy (DON) may use in drafting a policy that will establish a Preferred Supplier Program (PSP).

Under the PSP, contractors that have demonstrated exemplary performance, at the corporate level; in the areas of cost, schedule, performance, quality, and business relations would be granted Preferred Supplier Status (PSS).

Contractors that achieved PSS would receive more favorable contract terms and conditions in DON contracts. Upon approval of the policy by the Assistant Secretary of the Navy for Research, Development and Acquisition, DON will initiate the pilot phase of the PSP.

**DATES:** DON invites interested parties from both the public and private sectors to provide comments to be considered in the formulation of the final policy letter. In particular, DON encourages respondents to offer their views as discussed below, in Section D, "Solicitation of Public Comment."

Interested parties should submit comments, in writing, to the address below, on or before July 15, 2010.

**ADDRESSES:** Comments may be submitted by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>.

*E-mail:* [preferredsupplier@navy.mil](mailto:preferredsupplier@navy.mil).

*Facsimile:* 703-614-9394.

*Mail:* DASN (A&LM), ATTN: Clarence Belton, 1000 Navy Pentagon, Room BF992, Washington, DC 20350-1000.

*Instructions:* Please submit comments only and cite "Proposed DON PSP Policy Letter" in all correspondence. All comments received will be posted, without change or redaction, to <http://www.regulations.gov>, so commenters should not include information that they do not wish to be posted (for example, personal or business-confidential).

**FOR FURTHER INFORMATION CONTACT:** Clarence Belton, 703-693-4006 or [clarence.belton@navy.mil](mailto:clarence.belton@navy.mil).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Companies in the private sector that have implemented PSPs have significantly improved performance. Cash flow, profit, and contract terms and conditions that reduce contractor costs and risk are powerful incentives that can be used to motivate contractors to perform at a high level. DON and its contractors negotiate these key components of the business arrangement contract by contract. As a result of this decentralized and individual approach, DON loses an extremely important opportunity. This policy would establish the PSP to recover that opportunity through the use of favorable contract terms and conditions that would be available to

Preferred Suppliers (*i.e.*, suppliers that have demonstrated exemplary performance, at the corporate level, in the areas of cost, schedule, performance, quality, and business relations).

The proposed policy is now in the conceptual stage. After consideration of the comments, DON may publish a draft proposed policy letter for additional public comments.

### C. Proposed Policy Letter Concepts

The general outline of the pilot phase of the PSP, to be established under the proposed policy letter, is set forth below.

DASN (A&LM) shall be responsible for the assessment of contractors under the PSP. DASN (A&LM) will confer PSS at the corporate level, and will not rate individual affiliates or subdivisions of corporations.

DASN (A&LM) shall use the Contractor Performance Assessment Reporting System (CPARS) as the baseline data during the pilot phase of the PSP. In the course of the pilot phase, DON also will identify other sources of data, including information available to Navy program offices and government contract administration organizations that the Department may use to supplement CPARS data in implementing the PSP. The factors that DASN (A&LM) will use to assess contractors during the pilot phase include, at a minimum, the following CPARS areas:

- Technical (Quality of Product).
- Schedule.
- Cost Control.
- Management Responsiveness.
- Management of Key Personnel.
- Utilization of Small Business.
- Other CPARS Factors as Appropriate.

DASN (A&LM) shall assess Energy Efficiency for all contractors as an "excellence factor," in addition to the areas above.

During the pilot phase of the PSP, DON will use a 5-star system based upon the 5-color ratings used in CPARS, as follows:

CPARS	PSP
Red .....	0
Yellow .....	1
Green .....	2
Purple .....	3
Dark Blue .....	4

DON will use the CPARS conversion table above, based upon CPARS data, and, as appropriate, other sources of information and weighting factors. Contractors must achieve at least a 3-Star rating to be designated as a Preferred Supplier.

If a contractor provides documentation sufficient to establish that it has an Energy Efficiency Program, it will receive an additional star, up to a maximum rating of 5 Stars. A 5-Star rating can only be achieved if the contractor maintains an active Energy Efficiency Program, and otherwise has received a 4-Star rating. Failure to demonstrate an active Energy Efficiency Program will not diminish the contractor's PSP rating.

During each fiscal year, DASN (A&LM) shall reassess and rate the top 25 DON contractors. The top 25 DON contractors will be determined by the value of contract awards for the most recent fiscal year. Other contractors may apply to join the PSP. DASN (A&LM) shall evaluate all applicants currently eligible for assessment in CPARS using the same process as it does to evaluate the top 25 contractors. DASN (A&LM) will establish a 30-day application period that will begin no later than October 1, annually.

In negotiating contracts with Preferred Suppliers, DON contracting officers will be authorized to offer some or all of the following more favorable contract terms and conditions:

- More favorable progress payments.
- Recognition of PSS in the development of profit or fee based upon weighted guidelines.
- Tailored contract reporting requirements.
- Special award fee pools.

PSS shall not be used as a factor or sub-factor in any source selection. However, where the contracting officer has a reasonable belief that a Preferred Supplier may submit a bid or proposal, the solicitation shall contain terms and conditions that will be applicable, after award, only if the successful offeror is a Preferred Supplier.

These special terms and conditions, applicable to contracts with Preferred Suppliers, shall be consistent with the limitations specified in regulations promulgated pursuant to the Federal Acquisition Regulatory System.

### D. Solicitation of Public Comment

DON invites interested parties from both the public and private sectors to provide comments for consideration in the formulation of a policy letter establishing the PSP. In particular, DON seeks to better understand how to incentivize contractors, at the corporate level, to achieve sustained superior performance in the areas of cost, schedule, performance, quality, and business relations. Accordingly, DON welcomes feedback regarding the following questions.

1. What clauses are currently being used in government subcontracts, and commercial contracts and subcontracts, to incentivize superior performance, at the corporate level, in the areas of cost, schedule, performance, quality, and business relations?

2. What solicitation provisions, contract clauses, and performance incentives will provide contractors with the greatest motivation to achieve PSS?

3. Energy Efficiency is a critical DON requirement significantly impacting the successful achievement of DON's missions. How should a contractor's use of energy, as it relates to the entire life-cycle of a product—design, manufacture, use, maintenance, and disposal—be considered in the designation of Preferred Suppliers?

4. Is there any other aspect of the proposed PSP on which you wish to comment?

Dated: May 18, 2010.

**A.M. Vallandingham,**

*Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.*

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## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before June 24, 2010.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395-5806 or e-mailed to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) with a cc: to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov).

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or