

USTRANSCOM will prepare a package setting forth proposed airlift rates and supporting data. The proposed rates will be approved by the USTRANSCOM contracting officer and posted publicly on FedBizOps for comment. The comment period will be as specified in the proposed rate package.

(h) *Final rate.* Upon closing of the comment period, comments and supporting rationale will be addressed and individual negotiations conducted between USTRANSCOM and the air carriers. After negotiations have concluded, USTRANSCOM will prepare a rate package setting forth final airlift rates for each aircraft class, along with supporting data consisting of individual carrier cost elements. Comments and disposition of those comments will be included in the final rate package. The final rates will be approved by the USTRANSCOM contracting officer and publicly posted on FedBizOps for use in the ensuing contract.

#### **§ 243.5 Commitment of aircraft as a business factor.**

For the purpose of rate making, the average fleet cost of aircraft proposed by the carriers for the forecast year is used. Actual awards to CRAF carriers are based upon the aircraft accepted into the CRAF program. The Secretary may, in determining the quantity of business to be received under an airlift services contract for which the rate of payment is determined in accordance with subsection (a) of 10 U.S.C. 9511a, use as a factor the relative amount of airlift capability committed by each air carrier to the CRAF.

(a) *Adjustments in commitment to target specific needs of the contract period.* The amount of business awarded in return for commitment to the program under a CRAF contract may be adjusted prior to the award of the contract to reflect increased importance of identified aircraft categories (e.g., Aeromedical Evacuation) or performance factors (e.g., flyer's bonus, superior on-time performers, etc.). These adjustments will be identified in the solicitation.

(b) *Exclusions of categories of business from commitment based awards.* Where adequate competition is available and USTRANSCOM determines some part of the business is more appropriate for award under competitive procedures, the rate-making will not apply. Changes to areas of business will be reflected in the solicitation.

#### **§ 243.6 Exclusions from the uniform negotiated rate.**

Domestic CRAF is handled differently than international CRAF in that aircraft committed does not factor into the amount of business awarded during peacetime. If domestic CRAF is activated, carriers will be paid in accordance with pre-negotiated prices that have been determined fair and reasonable, not a uniform rate.

#### **§ 243.7 Inapplicable provisions of law.**

An airlift services contract for which the rate of payment is determined in accordance with subsection (a) of 10 U.S.C. 9511a shall not be subject to the provisions of 10 U.S.C. 2306a, or to the provisions of subsections (a) and (b) of 41 U.S.C. 1502. Specifically, contracts establishing rates for services provided by air carriers who are participants in the CRAF program are not subject to the cost or pricing data provision of the Truth in Negotiations Act (10 U.S.C. 2306a) or the Cost Accounting Standards (41 U.S.C. 1502). CRAF carriers will, however, continue to submit data in accordance with the MOU and the DOT, Form 41.

#### **§ 243.8 Application of FAR cost principles.**

In establishing fair and reasonable rate of payments for airlift service contracts in support of CRAF, USTRANSCOM, in accordance with 10 U.S.C. 9511a, procedures differ from the following provisions of FAR Part 31 and DFARS Part 231, as supplemented:

- FAR 31.202, Direct Costs
- FAR 31.203, Indirect Costs
- FAR 31.205–6, Compensation for Personal Services, subparagraphs (g), (j), and (k)
- FAR 31.205–10, Cost of Money
- FAR 31.205–11, Depreciation
- FAR 31.205–18, Independent Research and Development and Bid and Proposal Costs
- FAR 31.205–19, Insurance and Indemnification
- FAR 31.205–26, Material Costs
- FAR 31.205–40, Special Tooling and Special Test Equipment Costs
- FAR 31.205–41, Taxes
- DFARS 231.205–18, Independent research and development and bid and proposal costs

#### **§ 243.9 Carrier site visits.**

USTRANSCOM may participate in carrier site visits, as required to determine the reasonableness or verification of cost and pricing data.

#### **§ 243.10 Disputes.**

Carriers should first address concerns to the ratemaking team for resolution. Ratemaking issues that are not resolved

to the carrier's satisfaction through discussions with the ratemaking team may be directed to the USTRANSCOM contracting officer.

#### **§ 243.11 Appeals of USTRANSCOM Contracting Officer Decisions regarding rates.**

If resolution of ratemaking issues cannot be made by the USTRANSCOM contracting officer, concerned parties shall contact the USTRANSCOM Ombudsman appointed to hear and facilitate the resolution of such concerns. In the event a ratemaking issue is not resolved through the ombudsman process, the carrier may request a final agency decision from the Director of Acquisition, USTRANSCOM.

#### **§ 243.12 Required records retention.**

The air carrier is required to retain copies of data submitted to support rate determination for a period identified in Subpart 4.7 of the Federal Acquisition Regulation, Contractor Records Retention.

Dated: May 21, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

### **33 CFR Part 117**

[USCG–2015–0448]

### **Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Harvey, LA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Harvey Canal Railroad Bascule Bridge across Gulf Intracoastal Waterway, mile 0.2 west of Harvey Lock (Harvey Canal), at Harvey, Jefferson Parish, Louisiana. This deviation provides for the bridge to remain closed to navigation for 175 consecutive hours to replace the north side bronze pinion bearing bushing to the drawbridge.

**DATES:** This deviation is effective from noon on Friday, June 19, 2015 until 7 p.m. on Friday, June 26, 2015.

**ADDRESSES:** The docket for this deviation, [USCG–2015–0448] is available at <http://www.regulations.gov>.

Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Donna Gagliano, Bridge Specialist, Coast Guard; telephone 504-671-2128, email [Donna.Gagliano@uscg.mil](mailto:Donna.Gagliano@uscg.mil). If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The New Orleans and Gulf Coast Railway Company has requested a temporary deviation from the operating schedule for the Harvey Canal Railroad Bascule Bridge across Gulf Intracoastal Waterway, mile 0.2 west of Harvey Lock (Harvey Canal), at Harvey, Jefferson Parish, Louisiana. The bridge has a vertical clearance of 9 feet above mean high water in the closed-to-navigation position and 75 feet above mean high water in the open-to-navigation position.

Presently, the bridge opens on signal according to operating regulation Tile 33 CFR 117.5. This deviation is effective from noon on Friday, June 19, 2015 until 7 p.m. on Friday, June 26, 2015. This deviation provides for the bridge to remain closed-to-navigation for 175 consecutive hours.

For the duration of the replacement of the bronze pinion bearing bushings, vessels will not be allowed to pass through the bridge in order to complete the needed replacement.

The closure is necessary in order to replace the north side bronze pinion bearing bushing to the drawbridge essential for the continued safe operation of the draw span of the railroad bridge. The Coast Guard has coordinated the closure with waterway users, industry, and other Coast Guard units. It has been determined that this closure will not have a significant effect on vessel traffic.

Navigation on the waterway consists mainly of tugs with tows. The bridge will not be able to open for emergencies and there is an alternate route available via the Gulf Intracoastal Waterway (Algiers Alternate Route) to avoid unnecessary delays.

The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulation is authorized under 33 CFR 117.35.

Dated: May 21, 2015

**David M. Frank,**

*Bridge Administrator, Eighth Coast Guard District.*

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**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2015-0280]

**RIN 1625-AA00**

#### **Safety Zone; Loading and Outbound Transit of TUG THOMAS and BARGE OCEANUS, Savannah River; Savannah, GA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone around the TUG THOMAS and BARGE OCEANUS during the loading and outbound transit of three oversized ship to shore (STS) cranes on the Savannah River from the Georgia Ports Authority, Garden City Terminal. This safety zone facilitates the safe loading and outbound transit of three oversized STS cranes from the Port of Savannah. A fixed safety zone will be enforced during the loading of the cranes on the barge and a moving safety zone will be enforced while the TUG THOMAS and BARGE OCEANUS are transiting outbound the Savannah River. This regulation is necessary to protect life and property on the navigable waters of the Savannah River due to the hazards associated with the transport of these oversized cranes. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Savannah or a designated representative.

**DATES:** This rule is effective without actual notice from May 28, 2015 until 11:59 p.m., July 1, 2015. For the purposes of enforcement, actual notice

will be used from May 14, 2015 until May 28, 2015.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG-2014-0280. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email LT Christopher McElvaine, Marine Safety Unit Savannah Office of Waterways Management, Coast Guard; telephone (912) 652-4353 ext 221, email [Christopher.D.McElvaine@uscg.mil](mailto:Christopher.D.McElvaine@uscg.mil). If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Table of Acronyms**

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking

##### **A. Regulatory History and Information**

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard did not receive notice of the transit until April 6, 2015. Publishing a NPRM and delaying its effective date would be impracticable and contrary to public interest because immediate action is needed to protect the TUG THOMAS, BARGE OCEANUS, other vessels, and mariners from the hazards associated with the transit operations of three STS cranes from Georgia Ports Authority.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for