

### Subpart 1823.10—Federal Compliance With Right-to-Know Laws and Pollution Prevention Requirements

#### 1823.1005 Contract clause.

(b) Use the clause with its Alternate I if the contract provides for contractor (1) Operation or maintenance of a NASA facility at which NASA has implemented or plans to implement an EMS, including, but not limited to the Jet Propulsion Laboratory and Michoud Assembly Facility; or

(2) Activities and operations—

(i) The contracting officer and the procurement request initiator shall determine whether the contractor's activities or operations are covered within the EMS, in cooperation with the facility's environmental office, and in accordance with NPR 8553.1, "NASA Environmental Management System (EMS)" paragraph 1.2.c, and the local EMS documented procedures.

(c) Use the clause with its Alternate II whenever Alternate I is used.

[68 FR 62023, Oct. 31, 2003, as amended at 69 FR 63459, Nov. 2, 2004]

### Subpart 1823.70—Safety and Health

#### 1823.7001 NASA solicitation provisions and contract clauses.

(a) The clause at 1852.223-70, Safety and Health, shall be included in all solicitations and contracts when one or more of the following conditions exist:

(1) The work will be conducted completely or partly on premises owned or controlled by the Government.

(2) The work includes construction, alteration, or repair of facilities in excess of the simplified acquisition threshold.

(3) The work, regardless of place of performance, involves hazards that could endanger the public, astronauts and pilots, the NASA workforce (including contractor employees working on NASA contracts), or high value equipment or property, and the hazards are not adequately addressed by Occupational Safety and Health Administration (OSHA) or Department of Transportation (DOT) regulations (if applicable).

(4) When the assessed risk and consequences of a failure to properly manage and control the hazard(s) warrants use of the clause.

(b) The clause prescribed in paragraph (a) of this section may be excluded, regardless of place of performance, when the contracting officer, with the approval of the installation official(s) responsible for matters of safety and occupational health, determines that the application of OSHA and DOT regulations constitutes adequate safety and occupational health protection.

(c) The contracting officer shall insert the provision at 1852.223-73, Safety and Health Plan, in solicitations containing the provision at 1852.223-70. This provision may be modified to identify specific information that is to be included in the plan. After receiving the concurrence of the center safety and occupational health official(s), the contracting officer shall include the plan in any resulting contract. Insert the provision with its Alternate I, in Invitations for Bid containing the clause at 1852.223-70.

(d)(1) The contracting officer shall insert the clause at 1852.223-75, Major Breach of Safety or Security, in all solicitations and contracts with estimated values of \$500,000 or more, unless waived at a level above the contracting officer with the concurrence of the project manager and the installation official(s) responsible for matters of security, export control, safety, and occupational health.

(2) Insert the clause with its Alternate I if—

(i) The solicitation or contract is with an educational or other nonprofit institution and contains the termination clause at FAR 52.249-5; or

(ii) The solicitation or contract is for commercial items and contains the clause at FAR 52.212-4.

(3) For contracts with estimated values below \$500,000, use of the clause is optional.

(e) For all solicitations and contracts exceeding the micro-purchase threshold that do not include the clause at 1852.223-70, Safety and Health, the contracting officer shall insert the clause

## 1823.7101

at 1852.223-72, Safety and Health (Short Form).

[65 FR 37059, June 13, 2000, as amended at 65 FR 70316, Nov. 22, 2000; 66 FR 18052, Apr. 5, 2001; 66 FR 48361, Sept. 20, 2001; 67 FR 17016, Apr. 9, 2002; 71 FR 8989, Feb. 22, 2006]

### Subpart 1823.71—Frequency Authorization

#### 1823.7101 Contract clause.

The contracting officer shall insert the clause at 1852.223-71, Frequency Authorization, in solicitations and contracts calling for developing, producing, constructing, testing, or operating a device for which a radio frequency authorization is required.

## PART 1824—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

### Subpart 1824.1—Protection of Individual Privacy

Sec.

1824.102 General.

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

SOURCE: 61 FR 55758, Oct. 29, 1996, unless otherwise noted.

### Subpart 1824.1—Protection of Individual Privacy

#### 1824.102 General.

(1) For NASA rules and regulations implementing the Privacy Act, see Privacy—NASA Regulations, (14 CFR 1212). The Act applies to any contractor maintaining a system of records to accomplish a NASA mission.

(2) Systems of records to which the Privacy Act does not apply include—

(i) Records maintained by a contractor on individuals employed by the contractor on its own behalf for the purpose of providing supplies and services to the Federal Government; and

(ii) Records that—

(A) Are maintained under contracts with educational institutions to provide training;

(B) Are generated on students working under the contract relative to their attendance (admission forms, grade reports, etc.);

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(C) Are similar to those maintained on other students; and

(D) Are commingled with their records on other students.

## PART 1825—FOREIGN ACQUISITION

Sec.

1825.003 Definitions.

1825.003-70 NASA definitions.

### Subpart 1825.1 Buy American Act—Supplies

1825.103 Exceptions.

### Subpart 1825.4 Trade Agreements

1825.400 Scope of subpart.

### Subpart 1825.9 Customs and Duties

1825.901 Policy.

### Subpart 1825.11 Solicitation Provisions and Contract Clauses

1825.1101 Acquisition of supplies.

1825.1103 Other provisions and clauses.

1825.1103-70 Export control.

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

SOURCE: 65 FR 10031, Feb. 25, 2000, unless otherwise noted.

#### 1825.003 Definitions.

#### 1825.003-70 NASA definitions.

“Canadian end product”, for an item with an estimated value of \$25,000 or less, means an unmanufactured end product mined or produced in Canada or an end product manufactured in Canada, if the cost of its components mined, produced, or manufactured in Canada or the United States exceeds 50 percent of the cost of all its components. The cost of components includes transportation costs to the place of incorporation into the end product. For an end product with an estimated value in excess of \$25,000, the definition at FAR 25.003 applies.

### Subpart 1825.1—Buy American Act—Supplies

#### 1825.103 Exceptions.

(a)(i) The Assistant Administrator for Procurement has determined that