

paragraph (b): "(b) Use of funds. The Contractor may use advance payment funds only to pay for properly allocable, allowable, and reasonable costs for direct materials, direct labor, indirect costs, or such other costs approved in writing by the administering contracting office. Payments are subject to any restrictions in other clauses of this contract. Determinations of whether costs are properly allocable, allowable, and reasonable shall be in accordance with generally accepted accounting principles, subject to any applicable subparts of Part 31 of the Federal Acquisition Regulation, other applicable regulations referenced in Part 31, or subpart 1831.2."

(2) In paragraph (d), Maximum Payment, in the sentence that begins "When the sum of," change the word "When" to lower case and insert before it: "Unliquidated advance payments shall not exceed \$____ at any time outstanding. In addition. * * *."

(3) In paragraph (j)(1), insert between "statements," and "and" "together with Standard Form 272, Federal Cash Transactions Report, and, if appropriate, Standard Form 272-A, Federal Cash Transactions Report Continuation"

(4) If this is a Phase I contract awarded under the SBIR or STTR programs, delete paragraph (a) and substitute the following: "(a) Requirements for payment. Advance payments will be made under this contract upon receipt of invoices from the Contractor. Invoices should be clearly marked "Small Business Innovation Research Contract" or "Small Business Technology Transfer Contract," as appropriate, to expedite payment processing. One-third of the total contract price will be available to be advanced to the contractor immediately after award, another one-third will be advanced three months after award, and the final one-third will be paid upon acceptance by NASA of the Contractor's final report. By law, full payment must be made no later than 12 months after the date that contract requirements are completed. The Contractor shall flow down the terms of this clause to any subcontractor requiring advance payments."

(End of clause)

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1833

Revision to the NASA FAR Supplement Coverage on Alternative Dispute Resolution

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NFS) to provide a cross-reference to NASA policy on Alternative Dispute Resolution (ADR).

EFFECTIVE DATE: March 24, 1998.

FOR FURTHER INFORMATION CONTACT: Dave Beck, NASA, Office of Procurement, Contract Management Division (Code HK), (202) 358-0482.

SUPPLEMENTARY INFORMATION:

Background

FAR subpart 33.2 discusses the use of ADR. NASA Policy Directive (NPD) 2010.2, establishes policy on use of ADR techniques by NASA personnel. This rule adds NFS 1833.210 in order to cross-reference NPD 2010.2, which is available at the following internet site: http://nodis.hq.nasa.gov/Library/Directives/NASA-WIDE/Policies/Legal_Policies/N_PD_2010_2A.html.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because use of alternative dispute resolution procedures is voluntary. Their use is in addition to the traditional dispute resolution procedures which are not changed by this rule. This final rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Part 1833

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement

Accordingly, 48 CFR Part 1833 is amended as follows:

1. The authority citation for 48 CFR Part 1833 continues to read as follows:

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

PART 1833—PROTESTS, DISPUTES, AND APPEALS

Subpart 1833.2—Disputes and Appeals

1833.210 [Added]

2. Section 1833.210 is added to read as follows:

1833.210 Contracting officer's authority.

See NASA Policy Directive 2010.2 on use of Alternative Dispute Resolution.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 199

[Docket No. PS-102; Amendment 199-16]

RIN 2137-AC67

Control of Drug Use and Alcohol Misuse in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Confirmation of effective date of direct final rule.

SUMMARY: This document confirms the effective date of the direct final rule that amends the "Scope and Compliance" section of the Drug Testing Rules to revise the applicability requirement with respect to any operator whose employees are located outside the territory of the United States.

DATES: This document confirms April 15, 1998, as the effective date of the direct final rule published on December 24, 1997.

FOR FURTHER INFORMATION CONTACT: Catrina Pavlik, Drug/Alcohol Program Analyst, Research and Special Programs Administration, Office of Pipeline Safety, Room 2335, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-6199, Fax: (202) 366-4566, e-mail: catrina.pavlik@RSPA.dot.gov. Information is also available on the Office of Pipeline Safety's internet home page at OPS.dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On December 24, 1997, RSPA published a direct final rule (62 FR 67293), titled "Control of Drug Use and Alcohol Misuse in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations." In that publication, RSPA stated that if it did not receive adverse comments by February 23, 1998, it would publish a confirmation notice in the **Federal Register** by March 16, 1998. RSPA received no adverse comments. Therefore, this document confirms that the direct final rule cited above will become effective on April 15, 1998.

Issued in Washington, D.C. on March 16, 1998.

Richard B. Felder,
Associate Administrator for Pipeline Safety.
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