

efficiency, competition, and capital formation and concludes that it would promote these three objectives, by making available to U.S. investors an additional product to use to hedge the risks associated with the trading of the underlying sovereign debt of Belgium.²³ Insofar as the Rule contains limitations, they are designed to promote the purposes of the Exchange Act by ensuring that futures trading on government securities of Belgium is consistent with the goals and purposes of the federal securities laws by minimizing the impact of the Rule on securities trading and distribution in the United States.

Because the amendment to the Rule is exemptive in nature, the Commission has determined to make the foregoing action effective immediately upon publication in the **Federal Register**.²⁴

VI. Administrative Requirements

Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(h), the Chairman of the Commission has certified in connection with the Proposing Release that this amendment, if adopted, would not have a significant economic impact on a substantial number of small entities. The Commission received no comments on this certification.

The Paperwork Reduction Act does not apply because the amendment does not impose recordkeeping or information collection requirements, or other collections of information which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

VII. Statutory Basis

The amendment to Rule 3a12-8 is being adopted pursuant to 15 U.S.C. 78a *et seq.*, particularly Sections 3(a)(12) and 23(a), 15 U.S.C. 78c(a)(12) and 78w(a).

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

Text of the Amendment

For the reasons set forth in the preamble, the Commission amends part 240 of chapter II, title 17 of the *Code of Federal Regulations* as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z-2, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78f, 78i, 78j, 78j-1, 78k, 78k-1, 78l, 78m, 78n, 78o, 78p, 78q, 78s, 78u-5, 78w, 78x, 78ll(d), 78mm, 79q, 79t, 80a-20, 80a-23, 80a-29, 80a-37, 80b-3, 80b-4 and 80b-11, unless otherwise noted.

* * * * *

2. Section 240.3a12-8 is amended by removing the word "or" at the end of paragraph (a)(1)(xviii), removing the period at the end of paragraph (a)(1)(xix) and adding "; or" in its place, and adding paragraph (a)(1)(xx), to read as follows:

§ 240.3a12-8 Exemption for designated foreign government securities for purposes of futures trading.

(a) * * *
(1) * * *
(xx) The Kingdom of Belgium.

* * * * *

Dated: February 26, 1999.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-5445 Filed 3-4-99; 8:45 am]

BILLING CODE 8010-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300793; FRL-6059-4]

RIN 2070-AB78

Oxirane, methyl-, polymer with oxirane, mono [2-(2-butoxyethoxy)ethyl]ether; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the oxirane, methyl-, polymer with oxirane, mono [2-(2-butoxyethoxy)ethyl]ether when used as inert ingredients applied/used as dispersant, emulsifier, surfactant, or adjuvant. ICI Surfactants submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996 requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether.

DATES: This regulation is effective March 5, 1999. Objections and requests for hearings must be received by EPA on or before May 4, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP-300793], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees) and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP-300793], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [OPP-300793]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Bipin Gandhi, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 707A, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, 703-308-8380, e-mail: gandhi.bipin@epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 28, 1998 (63 FR 40273) (FRL-5799-3), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act of

²³ 15 U.S.C. 78f(b).

²⁴ 5 U.S.C. 553(d).

1996 (Pub. L. 104-170) announcing the filing of a pesticide tolerance petition (PP 8E4965) by ICI Surfactants, Concord Plaza, 3411 Silverside Road, P.O. Box 15391, Wilmington, DE 19850-5391. This notice included a summary of the petition prepared by the petitioner ICI Surfactants. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR part 180.1001 (c) and (e) be amended by establishing an exemption from the requirement of a tolerance for residues of oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether when used as inert ingredients.

I. Background and Statutory Findings

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue..."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

II. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The

nature of the toxic effects caused by oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether are discussed in this unit:

Oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether conforms to the definitions of polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low risk polymers:

1. Oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. Oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether as an integral part of its composition the atomic elements carbon, hydrogen and oxygen.

3. Oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR Section 723.250(d)(2)(ii).

4. Oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether is not designed, nor is it reasonably anticipated to substantially degrade, decompose or depolymerize.

5. Oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether is not manufactured or imported from monomers and/or other reactants that are not already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. Oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether is not a water absorbing polymer.

7. The minimum number-average molecular weight of oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether is 2,500 (in amu). Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response.

8. Oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether has number average molecular weight of 2,500 (in amu) greater than or equal to 1,000 but

less than 10,000 and contains less than 10% oligomeric material below molecular weight 500 and less than 25% oligomeric material below 1,000 molecular weight.

9. Oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether does not contain any reactive functional groups.

Based on the above information and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established for Oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether as set forth below.

III. Aggregate Exposures

In examining aggregate exposure, FFDCA section 408 directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from groundwater or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

IV. Cumulative Effects

Since this polymer conforms and meets the criteria of a polymer under 40 CFR 723.250. The Agency believes that there are no concerns for risks associated with cumulative effects.

V. Determination of Safety for U.S. Population, Infants and Children

1. *U.S. population.* Since this polymer conforms and meets the criteria of a polymer under 40 CFR 723.250, the Agency agrees with ICI that there are no concerns for risks associated with any potential exposure to adults.

2. *Infants and children.* Since this polymer conforms and meets the criteria of a polymer under 40 CFR 723.250, the Agency agrees with ICI that there are no concerns for risks associated with any potential exposure to infants and children.

Based on the information in this preamble, EPA concludes that there is a reasonable certainty of no harm from aggregate exposure to [oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether] residues. Accordingly, EPA finds that exempting oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether from the requirement of a tolerance will be safe.

VI. Other Considerations

Neither the Agency nor the ICI has any information to suggest that oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy)ethyl]ether will have an effect on the immune and endocrine systems.

VII. Objections and Hearing Requests

The new FFDC section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) and as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which governs the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by May 4, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the "ADDRESSES" section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the hearing clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305-5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VIII. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP-300793] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at: opp-docket@epa.gov.

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are

received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

IX. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes an exemption from the tolerance requirement under section 408(d) of the FFDC in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDC section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not

issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

X. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the

Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 19, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.1001, the table in paragraph (c) and (e) is amended by adding alphabetically the following inert ingredient to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *
(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* *
Oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy) ethyl]ether CAS Reg. No. 85637-75-8), minimum number average molecular weight (in .amu) 2,500..	15% Max	Emulsifier, dispersant, Surfactant or related adjuvant of surfactant.
* * *	* * *	* *

* * * * *

(e) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* *
Oxirane, methyl-, polymer with oxirane, mono[2-(2-butoxyethoxy) ethyl]ether CAS Reg. No. 85637-75-8), minimum number average molecular weight (in .amu) 2,500..	15% Max	Emulsifier, dispersant, Surfactant or related adjuvant of surfactant.
* * *	* * *	* *

[FR Doc. 99-5494 Filed 3-4-99; 8:45 am]

BILLING CODE 6560-50-

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**48 CFR Parts 1806, 1819, and 1852****NASA Mentor-Protégé Program****AGENCY:** National Aeronautics and Space Administration (NASA).**ACTION:** Final rule.

SUMMARY: This is a final rule amending the NASA Federal Acquisition Regulation (FAR) Supplement (NFS) to eliminate the pilot status of the NASA Mentor-Protégé Program and make it consistent with recent FAR changes on evaluation of small disadvantaged business (SDB) participation in acquisitions. Miscellaneous editorial revisions are also made to the Mentor-Protégé coverage. In addition, the rule makes an internal administrative change to redesignate the competition advocate for NASA Headquarters acquisitions.

DATES: This rule is effective March 5, 1999.

ADDRESSES: Tom O'Toole, Code HK, NASA Headquarters, 300 E Street, SW, Washington, DC 20456-0001.

FOR FURTHER INFORMATION CONTACT: Tom O'Toole, (202) 358-0478, e-mail: thomas.otoole@hq.nasa.gov.

SUPPLEMENTARY INFORMATION:**Background**

The NASA Mentor-Protégé Program was established as a pilot program in March 1995 to incentivize NASA prime contractors to provide developmental assistance to SDB concerns, Historically Black Colleges and Universities, minority institutions, and women-owned small business concerns. The pilot program has proved successful, and the program will continue indefinitely. However, the FAR has recently been revised to specify the circumstances in which SDB participation may be evaluated in Government acquisitions. Only those SDBs in Standard Industrial Classification Major Groups as determined by the Department of Commerce may be included in the evaluation. The NASA Mentor-Protégé Program addresses evaluation of SDBs, and changes are required to ensure conformance with the FAR.

Impact*Regulatory Flexibility Act*

This final rule does not constitute a significant revision within the meaning

of FAR 1.501 and Pub. L. 98-577, and publication for comments is not required. However, comments from small entities concerning the affected NFS coverage will be considered in accordance with 5 U.S.C. 610. Such comments may be submitted separately and should cite 5 U.S.C. 601, *et seq.*

Paperwork Reduction Act

The Paperwork reduction Act does not apply because the changes to the NFS do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1806, 1819, and 1852

Government procurement.

Tom Luedtke,*Acting Associate Administrator for Procurement.*

Accordingly, 48 CFR Parts 1806, 1819, and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1806, 1819, and 1852 continues to read as follows:

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

PART 1806—COMPETITION REQUIREMENTS

2. In section 1806.501, paragraph (3) is revised to read as follows:

1806.501 Requirement.

* * * * *

(3) The Headquarters Chief Financial Officer, Code CF, is the competition advocate for the Headquarters contracting activity.

* * * * *

PART 1819—SMALL BUSINESS PROGRAMS

3. Section 1819.7201 is revised to read as follows:

§ 1819.7201 Scope of subpart.

The NASA Mentor-Protégé Program is designed to incentivize NASA prime contractors to assist small disadvantaged business (SDB) concerns, Historically Black Colleges and Universities (HBCUs), minority institutions (MIs), and women-owned small business (WOSB) concerns, in enhancing their capabilities to perform NASA contracts and subcontracts, foster the establishment of long-term business relationships between these entities and NASA prime contractors, and increase the overall number of these entities that

receive NASA contract and subcontract awards.

4. In section 1819.7205, paragraphs (c) and (d) are removed, and paragraph (b) is revised to read as follows:

§ 1819.7205 General policy.

* * * * *

(b) The Mentor-Protégé program may be used in cost reimbursement type contracts and contracts that include an award fee incentive. Costs incurred by a mentor to provide the developmental assistance described in 1819.7214 are allowable. Except for cost-plus-award-fee contracts, such proposed costs shall not be included in the cost base used to develop a fee objective or to negotiate fee. On contracts with an award fee incentive, a contractor's Mentor-Protégé efforts shall be evaluated under the award fee evaluations.

5. Section 1819.7206 is revised to read as follows:

§ 1819.7206 Incentives for prime contractor participation.

(a) Proposed mentor-protégé efforts, except for the extent of participation of protégés as subcontractors, shall be evaluated under the Mission Suitability factor as a subfactor or element. The participation of SDB protégés as subcontractors shall be evaluated separately as a Mission Suitability subfactor (see FAR 15.304(c)(4) and 19.1202). The participation of other categories of protégés as subcontractors may be evaluated separately as part of the evaluation of proposed subcontracted efforts.

(b) Under contracts with award fee incentives, approved mentor firms shall be eligible to earn award fee associated with their performance as a mentor by performance evaluation period. For purposes of earning award fee, the mentor firm's performance shall be evaluated against the criteria described in the clause at 1852.219-79, Mentor Requirements and Evaluation. This award fee evaluation shall not include assessment of the contractor's achievement of FAR 52.219-9 subcontracting plan SDB goals or proposed monetary targets for SDB subcontracting (see FAR 19.1203).

6. In section 1819.7209, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1819.7209 Protégé firms.

(a) * * *

(1) An SDB in the SIC Major Groups as determined by the Department of