

245.405 [Amended]

38. Section 245.405 is amended in paragraph (3)(ii) in the second sentence by removing the word "Assistance" and adding in its place the word "Cooperation", and by removing the word "which" and adding in its place the word "that".

245.7203 [Amended]

39. Section 245.7203 is amended in paragraph (a)(3) by revising the entry "M-Defense Mapping Agency" to read "M-National Imagery and Mapping Agency".

PART 246—QUALITY ASSURANCE

40. Section 246.710 is amended by revising paragraph (4) to read as follows:

246.710 Contact clauses.

* * * * *

(4) Use the clause at 252.246-7002, Warranty of Construction (Germany), instead of the clause at FAR 52.246-21, Warranty of Construction, in solicitations and contracts for construction when a fixed-price contract will be awarded and contract performance will be in Germany.

PART 249—TERMINATION OF CONTRACTS

41. Section 249.105-1 is amended by revising the introductory text to read as follows:

249.105-1 Termination status report.

When the contract administration office receives a termination notice, it will, under Report Control Symbol DD-A&T(AR)1411-

* * * * *

42. Section 249.7001 is amended by revising paragraphs (b)(7) through (b)(9), by removing paragraph (b)(11), by redesignating paragraph (b)(12) as paragraph (b)(11), and by revising paragraph (f) to read as follows:

249.7001 Congressional notification on significant contract terminations.

* * * * *

(b) * * *

(7) Defense Logistics Agency—DLSC-P

(8) National Imagery and Mapping Agency—HQ NIMA (AQ)

(9) Defense Threat Reduction Agency—Acquisition Management Office (AM)

* * * * *

(f) This reporting requirement is assigned Report Control Symbol DD-A&T(AR)1412.

PART 250—EXTRAORDINARY CONTRACTUAL ACTIONS

43. Section 250.303 is amended by revising paragraphs (3), (9), and (10), by removing paragraph (12), and by redesignating paragraph (13) as paragraph (12). The revised text reads as follows:

250.303 Contractor requests.

* * * * *

(3) Navy-Assistant Secretary of the Navy (RD&A), Attn: Deputy for Acquisition and Business Management.

* * * * *

(9) National Imagery and Mapping Agency-Director, NIMA, Attn: AQ.

(10) Defense Threat Reduction Agency-Director, DTRA, Attn: AM.

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PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

44. Part 252 is amended in the table of contents, in the heading of Subpart 252.2, by removing the word "Texts" and adding in its place the word "Text".

252.212-7001 [Amended]

45. Section 252.212-7001 is amended as follows:

a. By revising the clause date to read "(Sep 1999)"; and

b. In paragraph (b) of the clause—

(1) In the introductory text by removing the word "Orders" and adding in its place the word "orders";

(2) In the entry at 252.219-7003 by removing the words "Small Business and Small Disadvantaged" and adding in their place the phrase "Small, Small Disadvantaged and Women-Owned Small";

(3) In the entries at 252.225-7007 and 252-7021 by removing the parenthetical "(Alternate I)";

(4) In the entry at 252.225-7029 by removing the words "Restriction on Acquisition of" and adding in their place the words "Preference for United States or Canadian"; and

(5) In the entry at 252.243-7002 by removing the words "Certification of".

252.223-7007 [Amended]

46. Section 252.223-7007 is amended as follows:

a. By revising the clause date to read "(SEP 1999)";

b. In paragraph (d) of the clause by removing the phrase "Investigative Service (DIS)" and adding in its place the phrase "Security Service (DSS)"; and

c. In paragraph (e) of the clause by removing the abbreviation "DIS" and adding in its place the abbreviation "DSS".

252.225-7000 [Amended]

47. Section 252.225-7000 is amended by revising the provision date to read "(SEP 1999)"; and in paragraph (c)(1)(i) of the provision by removing the word "clause" and adding in its place the word "provision".

252.225-7036 [Amended]

48. Section 252.225-7036 is amended in Alternate I as follows:

a. By revising the date of Alternate I to read "(SEP 1999)";

b. In the introductory text by removing the reference "(a)(4)" both places it appears and adding in its place the reference "(a)(6)"; and

c. By redesignating paragraph (a)(4) as paragraph (a)(6).

252.227-7037 [Amended]

49. Section 252.227-7037 is amended by revising the clause date to read "(SEP 1999)"; and in paragraph (b) of the clause in the second sentence by adding the word "provides" prior to the word "demonstrates".

252.235-7011 [Amended]

50. Section 252.235-7011 is amended by revising the clause date to read "(SEP 1999)"; and by removing the address "Cameron Station, Alexandria, VA 22304-6145" both places it appears and adding in its place the address "8725 John J. Kingman Road, Suite 0944, Fort Belvoir, VA 22060-6218".

252.243-7000 [Amended]

51. Section 252.243-7000 is amended by revising the clause date to read "(SEP 1999)"; and in paragraph (c) introductory text by removing "price**" and adding in its place "price*".

PART 253—FORMS

253.209-1 [Amended]

52. Section 253.209-1 is amended in paragraph (a)(ii)(D) by removing the phrase "Investigative Service (DIS)" and adding in its place the phrase "Security Service (DSS)".

[FR Doc. 99-24388 Filed 9-20-99; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

48 CFR Part 235

[DFARS Case 98-D306]

Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is adopting as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS). The rule implements Section 213 of the Strom Thurmond National Defense Authorization Act of Fiscal Year 1999. Section 213 requires that, for each contract entered into on a cost-sharing basis under the Manufacturing Technology Program, the ratio of contract recipient cost to Government cost must be determined by competitive procedures.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-4245; telefax (703) 602-0350. Please cite DFARS Case 98-D306.

SUPPLEMENTARY INFORMATION:

A. Background

This rule adopts as final, without change, the interim rule published at 64 FR 18829 on April 16, 1999. The rule implements Section 213 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261).

DoD received one comment in response to the interim rule and considered that comment in the development of the final rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the only new requirement for offerors is the inclusion of a cost-sharing ratio in proposals under the Manufacturing Technology Program. This change is not expected to significantly alter the procedures for award of contracts under the Manufacturing Technology Program since the DFARS already requires the use of cost-sharing arrangements under the Program.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR part 235

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR Part 235, which was published at 64 FR 18829 on April 16, 1999, is adopted as a final rule without change.

[FR Doc. 99-24387 Filed 9-20-99; 8:45 am]

BILLING CODE 5000-04-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852

Revisions to the NASA FAR Supplement on Brand Name or Equal Procedures

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This final rule amends the NASA FAR Supplement (NFS) to remove brand name or equal guidance no longer necessary as a result of FAR changes contained in Federal Acquisition Circular (FAC) 97-12. This rule also makes editorial corrections and miscellaneous changes dealing with NASA internal and administrative matters.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: James H. Dolvin, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546, (202) 358-1279, e-mail: jdolvin1@mail.hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

FAC 97-12, dated June 17, 1999, contains guidance for use of brand name or equal procedures at FAR 11.4, Use of brand name or equal purchase descriptions, and a corresponding solicitation provision at FAR 52.211-6, Brand Name or Equal. The NASA FAR Supplement already has almost identical guidance at 1811.104-70, Brand name or equal purchase descriptions, and a solicitation provision at 1852.211-70, Brand Name or Equal. Because of this resulting duplication, the NFS coverage in Parts 1811 and 1852 is being removed in its entirety. Other editorial changes unrelated to brand name or equal

guidance are made to: correct clause and referenced document titles; correct listing of clauses authorized for use in acquisition of commercial items; update the agency program coordinator for the Governmentwide commercial purchase card; allow electronic submission of RFPs for Headquarters review; and correct the numbering within Section 1842.202.

B. Regulatory Flexibility Act

This rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comment is not required. However, comments from small entities concerning the affected NFS subparts will be considered in accordance with 5 U.S.C. 601. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.*

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS does 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 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852 continues to read as follows:

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

PART 1811—DESCRIBING AGENCY NEEDS

2. Subpart 1811.1 is removed.

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

3. In section 1812.301, paragraph (f)(i)(J) is removed, and the designated paragraph (f)(i)(K) is redesignated as (f)(i)(J), and paragraph (f)(i)(E) is revised to read as follows:

1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f)(i) * * *

(E) 1852.219-76, NASA 8 Percent Goal.