

(2) Require construction, repair, or alteration in excess of \$25,000; or

(3) Regardless of dollar amount, involve the use of hazardous materials or operations.

(g) Authorized Government representatives of the Contracting Officer shall have access to and the right to examine the sites or areas where work under this contract is being performed in order to determine the adequacy of the Contractor's safety and occupational health measures under this clause.

(h) The contractor shall continually update the safety and health plan when necessary. In particular, the Contractor shall furnish a list of all hazardous operations to be performed, and a list of other major or key operations required or planned in the performance of the contract, even though not deemed hazardous by the Contractor. NASA and the Contractor shall jointly decide which operations are to be considered hazardous, with NASA as the final authority. Before hazardous operations commence, the Contractor shall submit for NASA concurrence—

(1) Written hazardous operating procedures for all hazardous operations; and/or

(2) Qualification standards for personnel involved in hazardous operations.

(End of clause)

17. In section 1852.223–73, remove Alternate I and revise the clause to read as follows:

1852.223–73 Safety and health plan.

* * * * *

Safety and Health Plan (July 2000)

The offeror shall submit a detailed safety and occupational health plan as part of its proposal (see NPG 8715.3, NASA Safety Manual, Appendix H). The plan must include a detailed discussion of the policies, procedures, and techniques that will be used to ensure the safety and occupational health of contractor employees and to ensure the safety of all working conditions throughout the performance of the contract. The plan must similarly address safety and occupational health for subcontractor employees for any proposed subcontract whose value is expected to exceed \$500,000, including commercial services and services provided in support of a commercial item. Also, when applicable, the plan must address the policies, procedures, and techniques that will be used to ensure the safety and occupational health of NASA employees and the public. This plan, as approved by the Contracting Officer, will be included in any resulting contract.

(End of provision)

18. Add section 1852.223–75 to read as follows:

1852.223–75 Major breach of safety or security.

As prescribed in 1823.7001(d), insert the following clause:

Major Breach of Safety or Security (July 2000)

(a) Safety is the freedom from those conditions that can cause death, injury,

occupational illness, damage to or loss of equipment or property, or damage to the environment. Safety is essential to NASA and is a material part of this contract. A major breach of safety may constitute a breach of contract that entitles the Government to exercise any of its rights and remedies applicable to material parts of this contract, including termination for default. A major breach of safety must be related directly to the work on the contract. A major breach of safety is an act or omission of the contractor that consists of an accident, incident, or exposure resulting in a fatality; or in damage to equipment or property equal to or greater than \$1 million; or in any “willful” or “repeat” violation cited by the Occupational Health and Safety Administration (OSHA) or by a state agency operating under an OSHA approved plan.

(b) Security is the condition of safeguarding against espionage, sabotage, crime (including computer crime), or attack. A major breach of security may constitute a breach of contract that entitles the Government to exercise any of its rights and remedies applicable to material parts of this contract, including termination for default. A major breach of security may occur on or off Government installations, but must be related directly to the work on the contract. A major breach of security may arise from any of the following: compromise of classified information; illegal technology transfer; workplace violence resulting in criminal conviction; sabotage; compromise or denial of information technology services; damage or loss greater than \$250,000 to the Government; or theft.

(c) In the event of a major breach of safety or security, the Contractor shall report the breach to the Contracting Officer. If directed by the Contracting Officer, the Contractor shall conduct its own investigation and report the results to the Government. The Contractor shall cooperate with the Government investigation, if conducted.

(End of clause)

[FR Doc. 00–14752 Filed 6–12–00; 8:45 am]

BILLING CODE 7501–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1811 and 1852

Packaging, Handling, and Transportation

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NFS) to add guidance for packaging, handling, and transportation of certain kinds of aeronautical and space equipment. A NASA policy directive containing these policies already exists, and the new NFS material adds a contract clause which directs the contractor to perform

packaging and handling as provided in the policy directive.

EFFECTIVE DATE: June 13, 2000.

FOR FURTHER INFORMATION CONTACT:

James H. Dolvin, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), (202) 358–1279, email: jdolvin1@mail.hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Some NASA programs require the development of aeronautical and space equipment which, when transported from one place to another, require the use of special kinds of packaging, handling methods, and transportation procedures. At present, there is a NASA policy directive which has instructions for these procedures, but there is no contract clause in the NFS to require the contractor to perform packaging and handling as provided in the directive. This final rule adds such a clause to the NFS.

B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), because it only applies in those instances when a small business entity is providing either Class I, II, or III items.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose any recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public 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 Parts 1811 and 1852

Government Procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1811 and 1852 is amended as follows:

1. The authority citation for 48 CFR Parts 1811 and 1852 continues to read as follows:

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

PART 1811—DESCRIBING AGENCY NEEDS

2. Amend paragraph (b) of section 1811.002 by removing the word “shall” and adding “must” in its place.

1811.002 [Amended]

3. Amend paragraph (a)(3) of section 1811.403 by removing the word "shall" and adding "must" in its place.

4. Add section 1811.403-70 to read as follows:

1811.403-70 Packaging, handling, and transportation.

(a) NPG 6000.1E, "Requirements for Packaging, Handling, and Transportation for Aeronautical and Space Systems, Equipment, and Associated Components" provides guidance for shipment of certain NASA items.

(b) Contracting officers, with the advice of the requiring activity and the Center Transportation Officer, must include a designation of each deliverable item, or groupings of deliverable items, as Class I, II, III, or IV for purposes of contractor compliance with the NPG.

1811.404 [Amended]

5. Amend paragraphs (a)(2) and (a)(3) of section 1811.404 by removing the word "shall" and adding "must" in its place.

6. Add section 1811.404-70 to read as follows:

1811.404-70 NASA contract clauses.

The clause at 1852.211-70, Packaging, Handling, and Transportation, must be included in solicitations and contracts for deliverable items, including software, designated as Class I (mission essential), Class II (delicate or sensitive), or Class III (requires special handling or monitoring).

1811.502 [Amended]

7. Amend paragraph (d) of section 1811.502 by removing the word "shall" and adding "must" in its place.

1811.602 [Amended]

8. Amend paragraph (c) of section 1811.602 by removing the word "shall" and adding "must" in its place.

1811.603 [Amended]

9. Amend paragraph (e)(iii) of section 1811.603 by removing the word "shall" and adding "must" in its place.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

10. Add section 1852.211-70 to read as follows:

1852.211-70 Packaging, handling, and transportation.

As prescribed in 1811.404-70, insert the following clause:

Packaging, Handling, and Transportation—June 2000

(a) The Contractor shall comply with NPG 6000.1E, "Requirements for Packaging, Handling, and Transportation for Aeronautical and Space Systems, Equipment, and Associated Components", dated April 26, 1999, as may be supplemented by the statement of work or specifications of this contract, for all items designated as Class I, II, or III.

(b) The Contractor's packaging, handling, and transportation procedures may be used, in whole or in part, subject to the written approval of the Contracting Officer, provided (1) the Contractor's procedures are not in conflict with any requirements of this contract, and (2) the requirements of this contract shall take precedence in the event of any conflict with the Contractor's procedures.

(c) The Contractor must place the requirements of this clause in all subcontracts for items that will become components of deliverable Class I, II, or III items.

(End of clause)

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BILLING CODE 7510-01-U

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 16**

RIN 1018-AF88

Importation or Shipment of Injurious Wildlife: Zebra Mussel (*Dreissena polymorpha*)

AGENCY: Fish and Wildlife Services, Interior.

ACTION: Final rule, correction.

SUMMARY: The U.S. Fish and Wildlife Service (we) corrects 50 CFR 16.13 by adding the zebra mussel (*Dreissena polymorpha*), a small bivalve mollusk native to Europe, to the list of injurious fish, mollusks, and crustaceans, which are subject to restrictions under the Lacey Act (18 U.S.C. 42). On November 7, 1991 (56 FR 56942), we added the zebra mussel to the list of injurious wildlife, but it was inadvertently omitted in a subsequent amendment to 50 CFR Part 16 (58 FR 58979, Nov. 5, 1993). This rulemaking corrects the omission and continues the prohibition on the importation, acquisition, or transportation of live zebra mussels, veligers, or viable eggs thereof into or between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

DATES: This action is effective June 13, 2000.

ADDRESSES: Chief, Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 840, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT:

Hannibal Bolton, Chief, Division of Fish and Wildlife Management Assistance, telephone (703) 358-1718.

SUPPLEMENTARY INFORMATION: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Pub. L. 101-646, 104 Stat. 4761) was passed by Congress on October 27, 1990, and signed by President Bush. Section 1208 of that law contains a provision that amends the Lacey Act (18 U.S.C. 42) by adding the zebra mussel to the list of injurious animals contained therein. This provision required addition of the zebra mussel to implementing regulations in 50 CFR 16.13. On November 7, 1991, we added zebra mussels to 50 CFR part 16 (56 FR 56942). In a subsequent final rule affecting part 16, we inadvertently omitted the zebra mussel.

Background

The regulations contained in 50 CFR part 16 implement the Lacey Act as amended. Under the terms of the law, the importation of certain named wildlife is prohibited, with exceptions. Additionally, the Secretary of the Interior is authorized to prescribe by regulations other nonindigenous wild animals, or viable eggs thereof, which are deemed to be injurious or potentially injurious to the health and welfare of human beings; to the interests of agriculture, Forestry, and horticulture; or to the welfare and survival of wildlife or wildlife resources of the United States. The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 added the zebra mussel to the statutory list. We amended 50 CFR 16.13 to reflect the present list of prohibited wildlife. By adding the zebra mussel to the list of injurious fish, mollusks, and crustaceans in 18 U.S.C. 42 and in 50 CFR 16.13, their acquisition, importation into, or transportation between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States by any means whatsoever is prohibited except by permit for zoological, educational, medical, or scientific purposes, or by Federal agencies without a permit solely for their own use upon filing a written declaration with the District Director of Customs at the port of entry. In addition, no live zebra mussel, viable