

regarding the use of the structured approach for non-profit organizations and NASA's policy not to pay profit or fee on contracts with educational institutions. This final rule corrects this error by adding the previous language as section 1815.404-471-6. Additionally, editorial corrections and miscellaneous changes are made to correct the MBP format instructions, revise Internet reference citations, and correct the instructions for completing the Customs Form 7501, Entry Summary.

**B. Regulatory Flexibility Act**

NASA certifies that this rule will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5U.S.C. 601 *et seq.*) because it does not impose any new requirements.

**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 that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subparts in 48 CFR Parts 1807, 1815, and 1825**

Government procurement.

**Tom Luedtke,**

*Associate Administrator for Procurement.*

Accordingly, 48 CFR Parts 1807, 1815 and 1825 are amended as follows:

1. The authority citation for 48 CFR Parts 1807, 1815 and 1825 continues to read as follows:

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

**PART 1807—ACQUISITION PLANNING**

2. In section 1807.103 revise paragraph (d)(iii)(E) to read as follows:

**1807.103 Agency-head responsibilities.**

- (d) \* \* \*
- (iii) \* \* \*

(E) From or through other Government agencies except when the value of the acquisition meets the Master Buy Plan threshold (see 1807.7101(a));

\* \* \* \* \*

3. Amend section 1807.7000 by removing "(http://ec.msfc.nasa.gov/hq/cci/first.html)" and adding "(http://procurement.nasa.gov/cgi-bin/CCI/first.cgi)" in its place.

4. In section 1807.7101, revise paragraph (a) and add paragraphs (c)(3) and (c)(4) to read as follows:

**1807.7101 Applicability.**

(a) The Master Buy Plan applies to each negotiated acquisition, including

supplemental agreements and acquisitions through or from other Government agencies, where the dollar value, including the aggregate amount of options, follow-on acquisitions, or later phases of multi-phase acquisitions, is expected to equal or exceed \$50,000,000.

\* \* \* \* \*

(c) \* \* \*

(3) Any cooperative agreement notice where the total value (the Government's contribution plus the contribution of the recipient) of any resulting cooperative agreement is expected to equal or exceed \$50,000,000.

(4) Any acquisition designated by NASA Headquarters regardless of its value.

\* \* \* \* \*

5. In Table 1807-1, the second sentence of items (5)-(9) in the section titled "Supplementary instructions by heading number" is amended by removing the words "column (8)" and adding "column (7)" in its place.

**PART 1815—CONTRACTING BY NEGOTIATION**

6. Add section 1815.404-471-6 to read as follows:

**1815.404-471-6 Modification to structured profit/fee approach for nonprofit organizations.**

(a) The structured approach was designed for determining profit or fee objectives for commercial organizations. However, the structured approach must be used as a basis for arriving at profit/fee objectives for nonprofit organizations (FAR subpart 31.7), excluding educational institutions (FAR subpart 31.3), in accordance with paragraph (b) of this section. It is NASA policy not to pay profit or fee on contracts with educational institutions.

(b) For contracts with nonprofit organizations under which profit or fee is involved, an adjustment of up to 3 percent of the costs in Block 13 of NASA Form 634 must be subtracted from the total profit/fee objective. In developing this adjustment, it is necessary to consider the following factors:

- (1) Tax position benefits;
- (2) Granting of financing through letters of credit;
- (3) Facility requirements of the nonprofit organization; and
- (4) Other pertinent factors that may work to either the advantage or disadvantage of the contractor in its position as a nonprofit organization.

**PART 1825—FOREIGN ACQUISITION**

7. Revise section 1825.903 to read as follows:

**1825.903 Exempted supplies.**

(a) Through delegation from the Associate Administrator for Procurement, procurement officers are authorized to certify duty free entry for articles imported into the United States, if those articles are procured by NASA or by other U.S. Government agencies, or by U.S. Government contractors or subcontractors when title to the articles is or will be vested in the U.S. Government in accordance with the terms of the contract or subcontract. Procurement officers shall complete the certification set forth in 14 CFR 1217.104(a) or 1217.104(c) (<http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page1>). Upon arrival of foreign supplies at a port of entry, the consignee, generally the commercial carrier or its agent (import broker), will file Customs Form 7501, Entry Summary. This form is available from Service Ports (<http://www.customs.ustreas.gov/location/ports/index.htm>) or from NASA Headquarters' forms library ([https://extranet.hq.nasa.gov/nef/user/form\\_search.cfm](https://extranet.hq.nasa.gov/nef/user/form_search.cfm)). All duty-free certificates must be coordinated with the center Chief Counsel. Procurement officers must maintain a record of each certification and make this record available for periodic review by NASA Headquarters and the U.S. Customs Service.

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 1827, 1835 and 1852**

**Submission of Final Reports under NASA Research and Development Contracts**

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This final rule revises the report submission requirements under NASA research and development (R&D) contracts and clarifies that contractors cannot release these final reports until NASA has completed its Document Availability Authorization (DAA) review and the availability of the report has been determined.

**EFFECTIVE DATE:** July 21, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Celeste Dalton, NASA Headquarters  
Office of Procurement, Contract  
Management Division (Code HK),  
Washington, DC, 20546, (202) 358-1645.

**SUPPLEMENTARY INFORMATION:****A. Background**

A proposed rule was published in the **Federal Register** on April 18, 2000 (65 FR 20791-92). No comments were received. This final rule adopts the proposed rule without change. NASA's Center for Aerospace Information (CASI) serves as a repository of NASA scientific and technical information (STI). This includes information developed under NASA-sponsored research and development efforts. The NFS currently requires that copies of the final report and other progress reports under R&D contracts be submitted to CASI. The need for other progress reports no longer exists. Copies of only the final report required under an R&D contract must be submitted to CASI. Before NASA STI is made available, it is subject to a NASA Document Availability Authorization (DAA) review and release determination. Contractors cannot release final reports resulting from NASA R&D contracts until NASA has completed its Document Availability Authorization (DAA) review (NASA Form 1676).

**B. Regulatory Flexibility Act**

NASA 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 it only affects small business entities whose R&D contracts required progress reporting.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose any new record keeping or information collection requirements 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 1827, 1835 and 1852**

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1827, 1835, and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1827, 1835, and 1852 continues to read as follows:

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

**PART 1827—PATENTS, DATA, AND COPYRIGHTS**

2. Revise section 1827.406-70 to read as follows:

**1827.406-70 Reports of work.**

(a) When considered necessary for monitoring contract performance, contracting officers must require contractors to furnish reports of work performed under research and development contracts (fixed-price and cost reimbursement), interagency agreements, or in cost-reimbursement supply contracts. This purpose may be achieved by including the following general requirements, modified as needed to meet the particular requirements of the contract, in the section of the contract specifying data delivery requirements:

(1) *Monthly progress reports.* Reports should be in narrative form, brief, and informal. They should include a quantitative description of progress, an indication of any current problems that may impede performance, proposed corrective action, and a discussion of the work to be performed during the next monthly reporting period. (Normally, this requirement should not be used in contracts with nonprofit organizations.)

(2) *Quarterly progress reports.* In addition to factual data, these reports should include a separate analysis section interpreting the results obtained, recommending further action, and relating occurrences to the ultimate objectives of the contract. Sufficient diagrams, sketches, curves, photographs, and drawings should be included to convey the intended meaning.

(3) *Final report.* This report should summarize the results of the entire contract, including recommendations and conclusions based on the experience and results obtained. The final report should include tables, graphs, diagrams, curves, sketches, photographs, and drawings in sufficient detail to explain comprehensively the results achieved under the contract. The final report must comply with NPG 2200.2A, Guidelines for Documentation, Approval, and Dissemination of NASA Scientific and Technical Information.

(4) *Report Documentation Page.* The final report must include a completed Report Documentation Page, Standard Form (SF) 298 as the final page of the report.

(b) The contracting officer must consider the desirability of providing reports on the completion of significant units or phases of work, in addition to

periodic reports and reports on the completion of the contract.

(c) *Submission of final report.* In addition to the original of the final report submitted to the contracting officer, contracts containing the clause at 1852.235-70, Center for Aerospace Information—Final Scientific and Technical Reports (see 1835.070(a)), must require the concurrent submission of a reproducible copy and a printed or reproduced copy of the final report to the NASA Center for Aerospace Information (CASI).

(d) *NASA review of final report.* When required by the contract, final reports submitted to NASA for review, shall be reviewed for technical accuracy, conformance with applicable law, policy and publication standards, and to determine the availability and distribution of NASA-funded documents containing scientific and technical information (STI) (NASA Form 1676, NASA Scientific and Technical Document Availability Authorization (DAA)). The final report must not be released outside of NASA until NASA's DAA review has been completed and the availability of the document has been determined. The document is considered available when it is accessible through CASI.

**PART 1835—RESEARCH AND DEVELOPMENT CONTRACTING**

3. In section 1835.070, revise paragraph (a) to read as follows:

**1835.070 NASA contract clauses and solicitation provision.**

(a) The contracting officer must insert the clause at 1852.235-70, Center for Aerospace Information—Final Scientific and Technical Reports, in all research and development contracts, interagency agreements, and in cost-reimbursement supply contracts involving research and development work.

\* \* \* \* \*

**PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

4. Revise section 1852.235-70 to read as follows:

**1852.235-70 Center for Aerospace Information—Final Scientific and Technical Reports.**

As prescribed in 1835.070(a), insert the following clause:

**Center for Aerospace Information—Final Scientific and Technical Reports July 2000**

(a) The Contractor should register with and avail itself of the services provided by the NASA Center for Aerospace Information

(CASI) (<http://www.sti.nasa.gov>) for the conduct of research or research and development required under this contract. CASI provides a variety of services and products as a central NASA repository of research information, which may enhance contract performance. The address is set out in paragraph (d) of this clause.

(b) Should the CASI information or service requested by the Contractor be unavailable or not in the exact form necessary by the Contractor, neither CASI nor NASA is obligated to search for or change the format of the information. A failure to furnish information shall not entitle the Contractor to an equitable adjustment under the terms and conditions of this contract.

(c) In addition to the final report, as defined at 1827.406-70(a)(3), submitted to the contracting officer, a reproducible copy and a printed or reproduced copy of the final report or data shall be concurrently submitted to: Center for AeroSpace Information (CASI), Attn: Document Processing Section, 7121 Standard Drive, Hanover, Maryland 21076-1320, Phone: 301-621-0390, FAX: 301-621-0134.

(d) The last page of the final report submitted to CASI shall be a completed Standard Form (SF) 298, Report Documentation Page. In addition to the copy of the final report, the contractor shall provide, to CASI, a copy of the letter transmitting the final report to NASA for its Document Availability Authorization (DAA) review.

(e) The contractor shall not release the final report, outside of NASA, until the DAA review has been completed by NASA and availability of the report has been determined.

(End of clause)

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Part 1842

#### Exemption of SBIR/STTR Phase II Contracts from Interim Past Performance Evaluations

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This final rule revises the NASA FAR Supplement (NFS) to make interim past performance evaluations under FAR Part 42 optional for SBIR/STTR Phase II contracts.

**EFFECTIVE DATES:** July 21, 2000.

**FOR FURTHER INFORMATION CONTACT:** Paul Brundage, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20456-0001, (202) 358-0481, e-mail: [pbrundage@hq.nasa.gov](mailto:pbrundage@hq.nasa.gov).

**SUPPLEMENTARY INFORMATION:**

### A. Background

NASA centers have reported that interim evaluations on SBIR/STTR contracts are usually perfunctory and without substance because there is seldom anything to evaluate until contract completion. This final rule makes interim evaluations for SBIR/STTR Phase II contracts optional.

### 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 under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it only affects NASA's internal implementation of existing regulatory requirements.

### 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 that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

### Lists of Subjects in 48 CFR Part 1842

Government procurement.

**Tom Luedtke,**

*Associate Administrator for Procurement.*

Accordingly, 48 CFR Part 1842 is amended as follows:

1. The authority citation for 48 CFR Part 1842 continues to read as follows:

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

### PART 1842—CONTRACT ADMINISTRATION AND AUDIT SERVICES

2. Revise section 1842.1502 to read as follows:

#### 1842.1502 Policy.

(a) Within 60 days of every anniversary of the award of a contract having a term exceeding one year, contracting officers must conduct interim evaluations of performance on contracts subject to FAR subpart 42.15 and this subpart. On such contracts, both an interim evaluation covering the last period of performance and a final evaluation summarizing all performance must be conducted. However, interim past performance evaluations are optional for SBIR/STTR Phase II, procurements.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 660

[Docket No. 991223347-9347; I.D. 071200C]

#### Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Fishing restrictions; request for comments.

**SUMMARY:** NMFS announces changes to trip limits in the Pacific Coast groundfish fishery and the season dates for the limited entry, fixed gear sablefish fishery. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to help the fisheries achieve optimum yield (OY).

**DATES:** Changes to management measures are effective 0001 hours local time (l.t.) July 18, 2000, except that changes to management measures for minor shelf rockfish and lingcod are effective 0001 hours l.t. August 1, 2000, unless modified, superseded, or rescinded. These changes are in effect until the effective date of the 2001 annual specifications and management measures for the Pacific coast groundfish fishery, which will be published in the **Federal Register**. Comments on this rule will be accepted through August 7, 2000.

**ADDRESSES:** Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070 or to Rodney McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Yvonne deReynier or Katherine King (Northwest Region, NMFS) 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The following changes to current management measures were recommended by the Pacific Fishery Management Council (Council,) in consultation with the States of Washington, Oregon, and California, at its June 27-30, 2000, meeting in Portland, OR. Pacific coast groundfish landings will be monitored throughout