

(End of clause)

6. Amend section 1852.223-73 by revising the date of the clause and the next to last sentence to read as follows:

**1852.223-73 Safety and Health Plan.**

\* \* \* \* \*

**Safety and Health Plan—May 2001**

\* \* \* Also, when applicable, the plan must address the policies, procedures, and techniques that will be used to ensure the safety and occupational health of: (1) The public, (2) astronauts and pilots, (3) the NASA workforce (including other contractor employees working on NASA contracts), and (4) high-value equipment and property.

\* \* \* \* \*

7. In section 1852.223-73, add Alternate I to read as follows:

**1852.223-73 Safety and Health Plan.**

\* \* \* \* \*

**Alternate I—May 2001**

In Invitations for Bids, delete the first sentence of the basic provision and substitute the following:

The apparently successful offeror shall submit a detailed safety and occupational health plan (see NPG 8715.3, NASA Safety Manual, Appendix H) after notification of selection but before award.

8. Amend section 1852.223-75 by revising the date of the clause and adding a sentence between the second and third sentence in paragraph (a) to read as follows:

**1852.223-75 Major Breach of Safety or Security.**

\* \* \* \* \*

**Major Breach of Safety or Security—May 2001**

(a) \* \* \* NASA's safety priority is to protect: (1) The public; (2) astronauts and pilots; (3) the NASA workforce (including contractor employees working on NASA contracts); and (4) high-value equipment and property. \* \* \*

\* \* \* \* \*

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 1842 and 1852**

**Emergency Medical Services and Evacuation**

**AGENCY:** Office of Procurement, Contract Management Division, National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule adopted as final with changes.

**SUMMARY:** This is a final rule amending the NASA Federal Acquisition Regulation Supplement (NFS) to add a prescription and clause requiring contractors to make all arrangements for emergency medical services and evacuation for its employees when performing a NASA contract outside the United States or in remote locations in the United States. The clause also requires contractors to reimburse the Government for costs that are incurred in cases when the Government is requested by the contractor, and the Government agrees to provide the medical services or evacuation.

**EFFECTIVE DATE:** April 5, 2001.

**FOR FURTHER INFORMATION CONTACT:** Louis Becker, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546, telephone: (202) 358-4593, e-mail to: lbecker@hq.nasa.gov.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

NASA is adopting as final, with changes, the proposed rule published in the December 7, 2000, **Federal Register** (65 FR 76600-76601). This final rule sets forth a prescription and clause requiring contractors to make all arrangements for emergency medical services and evacuation, if necessary, for their employees when performing a NASA contract outside the United States or in remote locations in the

United States. The clause also requires contractors to reimburse the Government for costs incurred by the agency in those cases when the Government is requested and it agrees to provide the medical services or evacuation. This final rule is in response to cases where contractor employees required emergency medical services and evacuation while performing on NASA contracts outside the United States. Although not responsible for providing the emergency medical or evacuation services, NASA believed the interests of the contractor employees were paramount. However, this resulted in situations where NASA incurred significant costs, which ultimately were reimbursed by the contractor, but possibly could have been disputed. One comment was received in response to the proposed rule. The comment was considered in formulation of this final rule. One change is made in this final rule to clarify that the contractor's responsibility includes the cost of arranging for the emergency medical services or evacuation.

**B. Regulatory Flexibility Act**

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small businesses within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because there are few contracts awarded to small businesses involving contract performance outside the United States or in remote locations in the United States.

**C. 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 42 and 52**

Government procurement.

**Lynn Bailets,**

*Acting Associate Administrator for Procurement.*

Accordingly, 48 CFR Parts 1842 and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1842 and 1852 continues to read as follows:

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

**PART 1842—CONTRACT ADMINISTRATION AND AUDIT PROCEDURES**

2. Amend Part 1842 by adding section 1842.7003 to read as follows:

**1842.7003 Emergency medical services and evacuation.**

The contracting officer must insert the clause at 1852.242–78, Emergency Medical Services and Evacuation, in all solicitations and contracts when employees of the contractor are required to travel outside the United States or to remote locations in the United States.

3. Amend Part 1852 by adding section 1852.242–78 to read as follows:

**PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES****1852.242–78 Emergency Medical Services and Evacuation.**

As prescribed in 1842.7003, insert the following clause:

**Emergency Medical Services and Evacuation—April 2001**

The Contractor shall, at its own expense, be responsible for making all arrangements for emergency medical services and evacuation, if required, for its employees while performing work under this contract outside the United States or in remote locations in the United States. If necessary to deal with certain emergencies, the Contractor may request the Government to provide medical or evacuation services. If the Government provides such services, the Contractor shall reimburse the Government for the costs incurred.

(End of clause)

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