

PART 1803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

2. Add Subpart 1803.70 to read as follows:

Subpart 1803.70—IG Hotline Posters

1803.7000 Policy.
1803.7001 Contract clause.

Subpart 1803.70—IG Hotline Posters

1803.7000 Policy.

NASA requires contractors to display NASA hotline posters prepared by the NASA Office of Inspector General on those contracts specified in 1803.7001, so that employees of the contractor having knowledge of waste, fraud, or abuse, can readily identify a means to contact NASA's IG.

1803.7001 Contract clause.

Contracting officers must insert the clause at 1852.203-70, Display of Inspector General Hotline Posters, in solicitations and contracts expected to exceed \$5,000,000 and performed at contractor facilities in the United States.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Add section 1852.203-70 to read as follows:

1852.203-70 Display of Inspector General Hotline Posters.

As prescribed in 1803.7001, insert the following clause:

Display of Inspector General Hotline Posters June 2001

(a) The Contractor shall display prominently in common work areas within business segments performing work under this contract, Inspector General Hotline Posters available under paragraph (b) of this clause.

(b) Inspector General Hotline Posters may be obtained from NASA Office of Inspector General, Code W, Washington, DC, 20546-0001, (202) 358-1220.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1811

Priorities and Allocations

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This final rule amends the NASA FAR Supplement (NFS) to specify that use of a priority rating

under the Defense Priorities and Allocations System (DPAS) regulation is not required unless the acquisition is in support of one of the Schedule I approved programs of the DPAS.

EFFECTIVE DATE: June 1, 2001.

FOR FURTHER INFORMATION CONTACT: Jeff Cullen, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), (202) 358-1784, e-mail: jcullen@hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Currently, most NASA contracts receive DPAS ratings. This final rule provides that contracts will receive ratings only if they are in support of one of the approved programs in DPAS Schedule I. This change was published as a proposed rule in the Federal Register on September 20, 2000 (65 FR 56859-56860). Comments were received from the Office of Strategic Industries and Economic Security, U.S. Department of Commerce. These comments were considered in the development of the final rule. In response to comments, section 1811.603(e) was changed to provide statutory references covering exceptions to the rating system rather than a detailed listing of these exceptions. Additionally, the proposed rule unintentionally indicated that section 1811.602 was proposed for deletion. This error is corrected in this final rule and an editorial change is made to an organizational code within this section.

B. Regulatory Flexibility Act

NASA certifies that this 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 USC 601, *et. seq.*), because it does not impose any new requirements on offerors or contractors.

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 USC 3501, *et. seq.*

List of Subjects in 48 CFR Parts 1811

Government Procurement.

Tom Luedtke,

Associate Administrator for Procurement.

1. The authority citation for 48 CFR Part 1811 continues to read as follows:

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

PART 1811—DESCRIBING AGENCY NEEDS

2. In section 1811.602, amend paragraph (c) by deleting "(Code HS)" and adding "(Code HK)" in its place.

3. Revise section 1811.603 to read as follows:

1811.603 Procedures.

(NASA supplements paragraphs (e) and (g).)

(e)(i) Rated orders may be used by NASA only as provided in Section 700.17 of the DPAS (15 CFR 700.17) and subject to the limitations provided in Section 700.18 of the DPAS (15 CFR 700.18). Priority ratings are assigned on individual contracts and purchase orders by the contracting officer.

(ii) NASA rated orders may only be assigned a DO rating, unless NASA has obtained a DX rating from the Department of Defense.

(iii) The following program identification symbols may be used on NASA rated contracts and purchase orders for equipment and services that support authorized programs (see Schedule I of the DPAS):

A1—Aircraft
A2—Missiles
A3—Ships
A5—Weapons
A6—Ammunition
A7—Electronic and Communications Equipment
B1—Military Building Supplies
B8—Production Equipment (For Contractor's Account)
B9—Production Equipment (Government-Owned)
C2—Construction
C3—Maintenance, Repair, and Operating Supplies for Facilities
C9—Miscellaneous/Other

(g) Installation requests for assistance shall be directed to the Headquarters Office of Procurement (Code HK).

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1830

Cost Accounting Standards Waivers

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Interim rule adopted as final without changes.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NFS) to identify who within NASA has the authority to approve Cost Accounting Standards waivers.

EFFECTIVE DATE: June 1, 2001.

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

SUPPLEMENTARY INFORMATION:

A. Background

NASA is adopting as final, without change, the interim rule published in the August 11, 2000 **Federal Register** (65 FR 49205-49206). The interim rule identified the Associate Administrator for Procurement as the senior policymaking official delegated the authority to approve Cost Accounting Standards (CAS) waivers for NASA. The NASA interim rule was issued in response to a FAR interim rule published in the June 6, 2000 **Federal Register** (65 FR 36028-36030) that authorized the heads of executive agencies to approve CAS waivers and allowed for this authority to be delegated to an official not below the senior policymaking level in the agency. The FAR interim rule resulted from Section 802 of the National Defense Authorization Act for Fiscal Year 2000 (Pub. L. 106-65) which made several changes to CAS, including waivers. The FAR interim rule was adopted as a final rule without change (66 FR 2136-2137, January 10, 2001). No comments were received in response to the NASA interim rule.

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 this rule pertains to Cost Accounting Standards from which small businesses are exempt.

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 collection 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 Part 30

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Interim Rule Adopted as Final Without Changes

Accordingly, NASA adopts the interim rule amending 48 CFR part 1830, which was published in the **Federal Register** at 65 FR 49205-49206, August 11, 2000, as a final rule without change.

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

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1832

Extension of Class Deviations for SBIR Contracts

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NFS) to extend the advance payments and incremental funding class deviations for Small Business Innovation Research (SBIR) program contracts.

EFFECTIVE DATE: June 1, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Lentz, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546, telephone: (202) 358-1064, e-mail: ronald.lentz@hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

NFS 1832.402(e)(1)(B)(a) provides a class deviation authorizing the use of advance payments for Phase I contracts awarded under the SBIR program. NFS 1832.702-70(a), (b), and (c) set forth conditions when incremental funding is permitted. NFS 1832.702-70(e) provides a class deviation from those conditions, permitting the use of incremental funding of contracts under Phase II of the SBIR program. These two class deviations expired September 30, 2000, the date set forth in the Congressional authorization for the SBIR program. Public Law 106-554, extended the SBIR program through September 30, 2008. This final rule will extend the advance payments and incremental funding class deviations for the life of the SBIR program.

B. 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 public comment is not required. However, comments from small entities concerning the affected NFS subpart will be considered in accordance with 5 U.S.C. 610. 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 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 Part 32

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Part 32 is amended as follows:

1. The authority citation for 48 CFR part 1832 continues to read as follows:

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

PART 1832—CONTRACT FINANCING

2. In section 1832.402, revise paragraph (e)(1)(B)(a) to read as follows:

1832.402 General.

(NASA supplements paragraph (e))
(e)(1) * * *
(B) * * *

(a) Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Phase I contracts. A class deviation has been signed authorizing use of advance payments on these contracts. The contracting officer shall annotate the contract file that the deviation is on file at the NASA Headquarters Office of Procurement (Code HK).

* * * * *

3. In section 1832.702-70, revise paragraph (e) to read as follows:

1832.702-70 NASA policy.

* * * * *

(e) A class deviation from the conditions set forth in paragraphs 1832.702-70(a), (b), and (c) exists to permit incremental funding of contracts under Phase II of the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs. This deviation exists with the understanding that the contracts will be