

the construction requirements set forth in paragraph (f)(3)(vi) of this section and consult with the tribal government regarding the siting of facilities and deployment of service on the tribal land.

(C) If the winning bidder fails to submit the required certifications within the 180-day period, the bidding credit will not be awarded, and the winning bidder must pay the balance on the original gross bid amount.

\* \* \* \* \*

(vi) *Post-construction certification.* Within fifteen (15) days of the third anniversary of the initial grant of its license, a recipient of a bidding credit under this section shall file a certification that the recipient has constructed and is operating a system capable of serving seventy-five (75) percent of the population of the qualifying tribal land for which the credit was awarded. The recipient must provide the total population of the tribal area covered by its license as well as the number of persons that it is serving in the tribal area.

(vii) *Performance penalties.* If a recipient of a bidding credit under this section fails to provide the post-construction certification required by paragraph (f)(3)(vi) of this section, then it shall repay the bidding credit amount in its entirety, plus interest. The interest will be based on the rate for ten-year U.S. Treasury obligations applicable on the date the license is granted. Such payment shall be made within thirty (30) days of the third anniversary of the initial grant of its license. Failure to repay the bidding credit amount and interest within the required time period will result in automatic termination of the license without specific Commission action.

(viii) *Partitioning and disaggregation.* Parties seeking approval for partitioning or disaggregation of tribal areas obtained pursuant to the tribal lands bidding credit shall request an authorization for partial assignment of a license pursuant to § 1.948.

(A) *Partitioning.* A licensee of a market obtained using a tribal lands bidding credit may partition the tribal lands within its market. The partitioned area must include all tribal areas within the market subject to the tribal lands bidding credit. The partitionee must certify that it will satisfy the construction requirements set forth in paragraph (f)(3)(vi) of this section.

(B) *Disaggregation.* Spectrum covering tribal lands may be disaggregated in any amount. The disaggregated spectrum must include all tribal areas within the market subject to the tribal lands bidding credit. The original licensee

must certify that it will satisfy the construction requirements set forth in paragraph (f)(3)(vi) of this section, unless the parties to the transaction inform the Commission otherwise.

\* \* \* \* \*

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 1802, 1806, 1815, 1816, and 1843

RIN 2700-AC33

#### Definitions

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises the NASA FAR Supplement (NFS) by amending the definitions of “contracting activity” and “head of contracting activity” consistent with realignment of program management responsibilities between NASA Headquarters and the field centers.

**EFFECTIVE DATE:** May 2, 2003.

**FOR FURTHER INFORMATION CONTACT:** Harold Nelson, NASA, Office of Procurement, Program Operations (Code HS); (202) 358-0436; e-mail: [harold.a.nelson@nasa.gov](mailto:harold.a.nelson@nasa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

On November 14, 2002, the Assistant Administrator for Procurement approved a deviation to NFS section 1802.101 to designate the Deputy Associate Administrator for the International Space Station (ISS) and Space Shuttle Programs in the Office of Space Flight as the head of the contracting activity (HCA) in lieu of the Center Director(s) for all contracts that directly support the ISS or Space Shuttle Program. This deviation was approved in support of the realignment of program management responsibilities between NASA Headquarters and the field centers. This final rule implements this deviation.

##### B. Regulatory Flexibility Act

This final 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, NASA will consider comments from small entities concerning the affected NFS Parts 1802, 1806, 1815, 1816, and 1843 in accordance with 5 U.S.C. 610.

## C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping 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 1802, 1806, 1815, 1816, and 1843

Government Procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

■ Accordingly, 48 CFR Parts 1802, 1806, 1815, 1816, and 1843 are amended as follows:

■ 1. The authority citation for 48 CFR Parts 1802, 1806, 1815, 1816, and 1843 continues to read as follows:

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

### PART 1802—DEFINITIONS OF WORDS AND TERMS

■ 2. Amend section 1802.101 by revising the definitions of “contracting activity” and “head of the contracting activity” to read as follows:

#### 1802.101 Definitions.

\* \* \* \* \*

“Contracting activity” in NASA includes the NASA Headquarters installation and the following field installations: Ames Research Center, Dryden Flight Research Center, Glenn Research Center at Lewis Field, Goddard Space Flight Center, Johnson Space Center, Kennedy Space Center, Langley Research Center, Marshall Space Flight Center and Stennis Space Center. A major program that may have contracts at multiple field centers may also be considered a “contracting activity.”

\* \* \* \* \*

“Head of the contracting activity” (HCA) means, for field installations, the Director or other head and, for NASA Headquarters, the Director for Headquarters Operations. For International Space Station (ISS) and Space Shuttle Program contracts, the HCA is the Headquarters Deputy Associate Administrator for ISS and Shuttle Programs in lieu of the field Center Director(s).

\* \* \* \* \*

### PART 1806—COMPETITION REQUIREMENTS

■ 3. Amend section 1806.304-70 by revising paragraphs (b)(2) and (c)(1)(iii) to read as follows:

**1806.304–70 Approval of NASA justifications.**

\* \* \* \* \*

(b) \* \* \*

(2) Approving official: Head of contracting activity.

(c) \* \* \*

(1) \* \* \*

(iii) Head of contracting activity.

\* \* \* \* \*

**PART 1815—CONTRACTING BY NEGOTIATION****1815.370 [Amended]**

■ 4. In section 1815.370, amend the last sentence of paragraph (h)(5) by deleting “center director” and adding “head of contracting activity” in its place.

**PART 1816—TYPES OF CONTRACTS****1816.402–270 [Amended]**

■ 5. In section 1816.402–270, amend the second sentence of paragraph (a) by deleting “Center Director” and adding “head of contracting activity” in its place.

**PART 1843—CONTRACT MODIFICATIONS****1843.7003 [Amended]**

■ 6. In section 1843.7003, amend paragraphs (a)(1) and (b)(2) by deleting “Center Director” and adding “head of contracting activity” in its place.

**1843.7004 [Amended]**

■ 7. In section 1843.7004, amend the introductory text of paragraph (a) by deleting “Center Director” and adding “head of contracting activity” in its place.

[FR Doc. 03–10806 Filed 5–1–03; 8:45 am]

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****48 CFR Part 1845****Government Property—Instructions for Preparing NASA Form 1018**

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

**ACTION:** Final rule.

**SUMMARY:** This rule adopts as final, without change, the interim rule published in the **Federal Register** on November 12, 2002, which amended the NASA Federal Acquisition Regulation Supplement (NFS) to provide policies and procedures for proper reporting of heritage assets as part of contractor annual reports of NASA property in its custody, and to clarify other property classifications. NASA uses the data contained in contractor reports for annual financial statements and property management. This change will provide for consistent reporting of NASA property by contractors.

**EFFECTIVE DATE:** May 2, 2003.

**FOR FURTHER INFORMATION:** Lou 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](mailto:lbecker@hq.nasa.gov).

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

NASA must account for and report assets in accordance with 31 U.S.C. 3515, Federal Accounting Standards, and Office of Management and Budget (OMB) Bulletin No. 01–09, Form and Content of Agency Financial Statements. Since contractors maintain NASA’s official records NASA-owned assets in contractors’ possession, NASA must obtain annual data from those records to facilitate proper accounting and control over the assets. NASA published an interim rule in the **Federal Register** (67 FR 68533) on November 12, 2002, specifying policies and procedures for proper reporting of

heritage assets by providing a definition and directing that these assets be reported within appropriate property classifications as part of contractor annual reports of NASA property in its custody. No public comments were received. The interim rule is converted to a final rule without change.

This is not a significant regulatory action, and therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993.

This final rule is not a major rule under 5 U.S.C.804.

**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 it clarifies existing property reporting policies and procedures contractors must follow when accounting for reporting assets.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose new 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 1845**

Government procurement.

**Charles W. Duff II,**

*Acting Assistant Administrator for Procurement.*

**Interim Rule Adopted as Final Without Change**

■ Accordingly, NASA adopts the interim rule amending 48 CFR part 1845, which was published in the **Federal Register** on November 12, 2002 (67 FR 68533–68535), as a final rule without change.

[FR Doc. 03–10807 Filed 5–1–03; 8:45 am]

BILLING CODE 7510–01–P