

In Section	In paragraph	Remove the entry
180.163	(a) table	Hay, spearmint
180.213	(a)(1) table	Alfalfa
180.213	(a)(1) table	Bermuda grass
180.213	(a)(1) table	Grass
180.227	(a)(1) table	Corn, forage
180.227	(a)(1) table	Corn, stover
180.462	(a) table	Corn, forage
180.484	(a)(1) table	Goat, milk
180.484	(a)(1) table	Hog, milk
180.484	(a)(1) table	Horse, milk

**§ 180.106 [Amended]**

■ 3. In § 180.106 the table to paragraph (a)(1), by removing one of the two entries for “Rye, forage.”

**§ 180.121 [Amended]**

■ 4. In § 180.121, the table to paragraph (e), by removing one of the two entries for “Peach.”

**§ 180.220 [Amended]**

■ 5. In § 180.220, the table to paragraph (a)(1), by removing one of the two entries for “Wheat, straw.”

**§ 180.253 [Amended]**

■ 6. In § 180.253, the table to paragraph (a), by removing one of the two entries for “Rye, forage.”

**§ 180.324 [Amended]**

■ 7. In § 180.324, the table to paragraph (a)(1), by removing one of the two entries for “Corn, field, stover.”

**§ 180.408 [Amended]**

■ 8. In § 180.408, the table to paragraph (a), by removing one of the two entries for “Peanut, hay;” and in the table to paragraph (d) by removing one of the two entries for “Oat, straw;” and one of the two entries for “Wheat, straw.”

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 273**

**Standards for Universal Waste Management**

*CFR Correction*

In Title 40 of the Code of Federal Regulations, Parts 266 to 299, revised as of July 1, 2006, in § 273.9, on page 463, in alphabetical order, reinstate the definition of “On-site” to read as follows:

**§ 273.9 Definitions.**

\* \* \* \* \*

*On-site* means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, are also considered on-site property.

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Part 1816**

**RIN 2700-AD33**

**Award Fee Administrative Changes**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule makes administrative changes to the NASA FAR Supplement (NFS) to clarify the requirements for award fee evaluation factors and to add a requirement for a documented cost/benefit analysis when an award fee contract is used.

**EFFECTIVE DATE:** This rule is effective June 29, 2007.

**FOR FURTHER INFORMATION CONTACT:** Tom O’Toole, NASA, Office of Procurement, Contract Management Division (Suite 5J86); (202) 358-0478; e-mail: [thomas.otoole@nasa.gov](mailto:thomas.otoole@nasa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The Government Accountability Office (GAO) report entitled “NASA Procurement: Use of Award Fees for

Achieving Program Outcomes Should Be Improved” (GAO-07-58), dated January 2007, included recommendations for improving NASA award fee policy. The GAO recommended that NASA require cost/benefit analysis documentation when using an award fee contract and also recommended that NASA reemphasize the importance of tying award fee criteria to desired outcomes and limiting the number of evaluation subfactors. NASA agreed with both GAO recommendations, and is revising the NFS accordingly.

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

**B. Regulatory Flexibility Act**

The Regulatory Flexibility Act does not apply to this final rule. 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 coverage in accordance with 5 U.S.C. 610. Interested parties should cite 5 U.S.C. 601, *et seq.*, in correspondence.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act (Pub. L. 104-13) is not applicable because the NFS changes do not impose information collection requirements 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 Part 1816**

Government procurement.

**Sheryl Goddard,**

*Acting Assistant Administrator for Procurement.*

■ Accordingly, 48 CFR part 1816 is amended as follows:

**PART 1816—TYPES OF CONTRACTS**

■ 1. The authority citation for 48 CFR part 1816 continues to read as follows:

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

■ 2. Revise paragraph (a) of section 1816.405-270 to read as follows:

**1816.405-270 CPAF contracts.**

(a) Use of an award fee incentive shall be approved in writing by the procurement officer. The procurement officer’s approval shall include a discussion of the other types of