Monday,
May 11, 2009

Part XVI

Department of Defense
General Services Administration
National Aeronautics and Space Administration

Federal Acquisition Regulation; Semiannual Regulatory Agenda
DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

DEPARTMENT OF DEFENSE
GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 “Regulatory Planning and Review.” This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The Regulatory Secretariat Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

Published proposed rules may be reviewed in their entirety at the Government’s rulemaking website at http://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Hada Flowers, Supervisor, Regulatory Secretariat Division, 1800 F Street, NW, Room 4041, Washington, DC 20405, (202) 501-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the Federal Register and are produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR website at http://www.acquisition.gov/far.


Rodney P. Lantier,
Acting Senior Procurement Executive,
Office of the Chief Acquisition Officer.

DOD/GSA/NASA (FAR)—Proposed Rule Stage

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<th>Sequence Number</th>
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DOD/GSA/NASA (FAR)—Final Rule Stage

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DOD/GSA/NASA (FAR)—Long-Term Actions

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DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR) Proposed Rule Stage

293. FAR CASE 2006–005, HUBZONE PROGRAM REVISIONS
Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)
Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to implement revisions to the Small Business Administration’s HUBZone Program as a result of revisions to the Small Business Administration’s regulations. This was not a significant regulatory action and, therefore, was not subject to review under section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Regulatory Flexibility Analysis Required: Yes
Agency Contact: Hada Flowers, Supervisor, Regulatory Secretariat, DOD/GSA/NASA (FAR), Room 4041, 1800 F Street NW, Washington, DC 20405
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RIN: 9000–AL18

DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR) Final Rule Stage

294. FAR CASE 2009–009, AMERICAN RECOVERY AND REINVESTMENT ACT—REPORTING REQUIREMENTS
Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)
Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement section 1512 of the American Recovery and Reinvestment Act of 2009, which requires contractors to report on their use of Recovery Act funds. This is a significant regulatory action and, therefore, was subject to Office of Management and Budget (OMB) review under section 6(b) of Executive Order 12866 “Regulatory Planning and Review,” dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Regulatory Flexibility Analysis Required: Yes
Agency Contact: Hada Flowers, Supervisor, Regulatory Secretariat, DOD/GSA/NASA (FAR), Room 4041, 1800 F Street NW, Washington, DC 20405
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RIN: 9000–AL21

DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR) Long-Term Actions

295. FAR CASE 2006–034, SOCIOECONOMIC PROGRAM PARITY
Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)
Abstract: This rule proposes to amend the Federal Acquisition Regulation to ensure that the FAR reflects the Small Business Administration’s (SBA) interpretation of the Small Business Act and SBA regulations with regard to the relationship among various small business programs.

Regulatory Flexibility Analysis Required: Yes
Agency Contact: Hada Flowers, Supervisor, Regulatory Secretariat, DOD/GSA/NASA (FAR), Room 4041, 1800 F Street NW, Washington, DC 20405
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RIN: 9000–AK92
296. FAR CASE 2006–032, SMALL BUSINESS SIZE REREPRESENTATION

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to implement the Small Business Administration’s (SBA) final rule published on November 15, 2006 (71 FR 66434) entitled, Small Business Size Regulations; Size for Purposes of Governmentwide Acquisition Contracts, Multiple Award Schedule Contracts and Other Long-Term Contracts; 8(a) Business Development/Small Disadvantaged Business; Business Status Determinations. The purpose of the SBA rule is to improve the accuracy of small business size status reporting over the life of certain contracts. This is a significant regulatory action and, therefore, was subject to Office of Management and Budget review under section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

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<td>74 FR 11821</td>
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Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers
Phone: 202 208–7282
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RIN: 9000–AK78

297. FAR CASE 2001–004, EXEMPTION OF CERTAIN SERVICE CONTRACTS FROM THE SERVICE CONTRACT ACT (SCA)

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt as final, with changes, the interim rule that amending the Federal Acquisition Regulation (FAR) to revise the current SCA exemption and to add a SCA exemption for contracts for certain additional services that meet specific criteria. This was not a significant regulatory action and, therefore, was not subject to review under section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

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Regulatory Flexibility Analysis Required: Yes

Agency Contact: Hada Flowers
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RIN: 9000–AK82

298. FAR CASE 2006–030, ELECTRONIC PRODUCTS ENVIRONMENTAL ASSESSMENT TOOL

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt as final, without change, the interim rule published in the Federal Register at 72 FR 73215, December 26, 2007. The interim rule amended the Federal Acquisition Regulation (FAR) to provide regulations for purchasing environmentally preferable products and services when acquiring personal computer products such as desktops, notebooks (also known as laptops) and monitors with the use of the Electronic Products Environmental Assessment Tool (EPEAT) pursuant to the Energy Policy Act of 2005 and Executive Order 13423, Strengthening Federal Environmental, Energy, Transportation Management. This was not a significant regulatory action and, therefore, was not subject to review under section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

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Regulatory Flexibility Analysis Required: Yes

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RIN: 9000–AK85

[FR Doc. E9–10265 Filed 05–08–09; 8:45 am]