

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Parts 547 and 552

[GSAR Amendment 2009–06; GSAR Case 2006–G518 (Change 34); Docket 2008–0007; Sequence 2]

RIN 3090–AI52

### General Services Administration Acquisition Regulation; GSAR Case 2006–G518; Rewrite of GSAR Part 547, Transportation

**AGENCIES:** General Services Administration (GSA), Office of the Chief Acquisition Officer.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) by deleting and reserving Part 547, Transportation.

**DATES:** *Effective Date:* June 29, 2009

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Jeritta Parnell, Procurement Analyst, at (202) 501–4082. For information pertaining to status or publication schedules, contact the Regulatory Secretariat (VPR), Room 4041, GS Building, Washington, DC, 20405, (202) 501–4755. Please cite Amendment 2009–06, GSAR case 2008–G518 (Change 34).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

GSA published a proposed rule, with request for comments, in the **Federal Register** at 73 FR 32277 on June 6, 2008. No comments were received in response to the proposed rule. Therefore, the proposed rule is converted to final with no change. The information contained in Subpart 547.3—Transportation in Supply Contracts, sections 547.300, 547.303, 547.304, 547.305, and 547.370, is being deleted. In addition, clauses 552.247–70, Placarding Railcar Shipments, and 552.247–71, Diversion of Shipment Under f.o.b. Destination Contracts, are being deleted from 552.547.

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

##### B. Regulatory Flexibility Act

The General Services Administration certifies that this final rule will not have a significant economic impact on a substantial number of small entities

within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule deletes information and clauses that are deemed unnecessary and therefore, has no impact.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors, or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. Chapter 35, *et seq.*

##### List of Subjects in 48 CFR Parts 547 and 552

Government procurement.

Dated: March 6, 2009.

**Rodney P. Lantier,**

*Acting, Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration.*

■ Therefore, under the authority of 40 U.S.C. 121(c), GSA amends 48 CFR parts 547 and 552 as set forth below:

##### PART—547 [Removed and Reserved]

- 1. Remove and reserve part 547.
- 2. The authority citation for 48 CFR part 552 continues to read as follows:

**Authority:** 40 U.S.C. 121(c).

##### PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

##### 552.247–70 [Removed]

- 3. Remove section 552.247–70.

##### 552.247–71 [Removed]

- 4. Remove section 552.247–71.

[FR Doc. E9–12362 Filed 5–28–09; 8:45 am]

**BILLING CODE 6820–61–S**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 1819 and 1852

RIN 2700–AD41

#### NASA Mentor-Protégé Program

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

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the NASA FAR Supplement (NFS) to update the procedures for NASA's Mentor-Protégé program. The changes will streamline the program; align the mentoring to technical skills; expand the program to Veteran-owned, HUBZone, and NASA Small Business

Innovation Research (SBIR) Phase II small businesses; and include award fee incentives.

**DATES:** *Effective date:* May 29, 2009.

*Applicability date:* NASA's revised procedures for the Mentor-Protégé program will be effective for new applications that are submitted on or after May 29, 2009.

**FOR FURTHER INFORMATION CONTACT:** Sandra Morris, Office of Procurement, Contract Management Division, (202) 358–0532; e-mail: [Sandra.Morris@nasa.gov](mailto:Sandra.Morris@nasa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

On September 19, 2008, the National Aeronautics and Space Administration (NASA) published in the **Federal Register** (73 FR 54340–54345), a proposed rule, with request for comments, to amend its regulations governing the NASA Mentor-Protégé Program. This program is authorized under Title 42, U.S.C., 2473(c)(1). Specifically, the proposed rule defined the new program's eligibility requirements, and agreement submission and approval process. It also introduced mentor award fee incentives and explained the calculated subcontracting credit pursuant to FAR 52.219–9, Small Business Subcontracting Plan.

##### *Discussion of Comments on the Proposed Rule*

The comment period for the proposed rule closed on November 18, 2008. NASA received substantive comments from eight commenters. One of the commenters opposed NASA's approach to implementation of the proposed rule, and the remaining seven supported it.

The commenter who opposed NASA's approach as set forth in the proposed rule felt that there are already adequate numbers of specialized programs for various small businesses, and stated that they adversely impact the opportunities for regular small business entities. Of the seven commenters who generally supported the proposed rule, about half sought to be included in the mentoring program or requested referrals, and the other half requested that specific language be added to the rule.

Based on NASA's evaluation of the comments and the purpose of the rule, NASA modified the proposed rule in response to issues raised in the comments. As discussed below, this final rule provides definitions and clarifications of NASA's Mentor Protégé program. The following is an analysis of the substantive comments and NASA's corresponding responses.