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**Monday,
June 28, 2004**

Part XLV

**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**

48 CFR Ch. 1

Semiannual Regulatory Agenda

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 and Federal Assistance Publication 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.

Proposed rules may be reviewed in their entirety at the Government's

rulemaking website at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Laurie Duarte, Regulatory and Federal Assistance Publication Division, Room 4035, GS Building, 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 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.arnet.gov/FAR>.

Dated: May 19, 2004.

Ralph J. DeStefano,
Acting Director, Acquisition Policy Division.

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

Sequence Number	Title	Regulation Identifier Number
3803	FAR Case 2004-005, Gains and Losses	9000-AJ93
3804	FAR Case 2004-003, Payment Withholding	9000-AJ94

DOD/GSA/NASA (FAR)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3805	FAR Case 1999-025, Cost Accounting Standards Administration	9000-AI70
3806	FAR Case 2000-608, New Consolidated Form for Selection of Architect-Engineer Contractors (SF-330)	9000-AJ15
3807	FAR Case 2001-021, Training and Education Cost Principle	9000-AJ38
3808	FAR Case 2000-305, Commercially Available Off-the-Shelf Items	9000-AJ55
3809	FAR Case 1999-402, FAR Part 27 Rewrite in Plain Language	9000-AJ64
3810	FAR Case 2002-006, Application of the Cost Principles and Procedures and Accounting for Unallowable Costs	9000-AJ65
3811	FAR Case 2001-031, Deferred Compensation and Post-Retirement Benefits Other Than Pensions	9000-AJ67
3812	FAR Case 2002-008, Gain and Losses, Maintenance and Repair Costs and Material Costs	9000-AJ69
3813	FAR Case 2003-007, Buy American Act—Nonavailable Articles	9000-AJ72
3814	FAR Case 2002-017, Elimination of Standard Form 1417, Pre-Solicitation Notice (Construction Contract)	9000-AJ73
3815	FAR Case 2002-021, Subcontracts for Commercial Items and Commercial Components	9000-AJ75
3816	FAR Case 2002-004, Labor Standards for Contracts Involving Construction	9000-AJ79
3817	FAR Case 2002-024, Electronic Representations and Certifications	9000-AJ80
3818	FAR Case 2003-013, Procurement List	9000-AJ82
3819	FAR Case 2004-002, Service-Disabled Veteran-Owned Small Business Concerns	9000-AJ92

FAR

DOD/GSA/NASA (FAR)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3820	FAR Case 1989-093, Implementation of the Anti-Lobbying Statute	9000-AD76
3821	FAR Case 1998-020, Hazardous Material Safety Data	9000-AJ21
3822	FAR Case 2002-011, Procurement of Printing and Duplicating Through the Government Printing Office	9000-AJ51
3823	FAR Case 1999-603, Federal Supply Schedule Services and Blanket Purchase Agreements	9000-AJ63
3824	FAR Case 2003-008, Share-in-Savings Contracting	9000-AJ74
3825	FAR Case 2001-018, Applicability of the Cost Principles and Penalties for Unallowable Costs	9000-AJ77
3826	FAR Case 2002-023, Excluded Parties System Enhancement	9000-AJ78
3827	FAR Case 2003-002, Reimbursement of Relocation Costs on a Lump-Sum Basis	9000-AJ81
3828	FAR Case 2002-013, Definitions Clause	9000-AJ83
3829	FAR Case 2002-005, Transportation: Standard Industry Practices	9000-AJ84
3830	FAR Case 2003-016, Free Trade Agreements—Chile and Singapore and Trade Agreements Thresholds	9000-AJ87
3831	FAR Case 2003-022, Special Emergency Procurement Authority	9000-AJ88
3832	FAR Case 2003-010, Mentor-Protege Program—Delegation of Approval Authority for Mentor-Protege Agreements	9000-AJ90
3833	FAR Case 2003-023, Purchases From Federal Prison Industries—Requirement for Market Research	9000-AJ91
3834	FAR Case 2003-021, Nonavailable Articles—Policy	9000-AJ95

DOD/GSA/NASA (FAR)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3835	FAR Case 1995-013, Government Property Disposal	9000-AH60
3836	FAR Case 2002-010, Debarment and Suspension—Order Placement and Option Exercise	9000-AJ48
3837	FAR Case 2001-026, Depreciation Cost Principle	9000-AJ56
3838	FAR Case 2001-037, Insurance and Pension Costs	9000-AJ57
3839	FAR Case 2002-014, Debriefing—Competitive Acquisition	9000-AJ59
3840	FAR Case 2001-034, General Provisions of the Cost Principles	9000-AJ60
3841	FAR Case 2003-001, Increased Federal Prison Industries, Inc., Waiver Thresholds	9000-AJ62
3842	FAR Case 2002-027, Unsolicited Proposals	9000-AJ66
3843	FAR Case 2002-025, Unique Contract and Order Identifier Numbers	9000-AJ70
3844	FAR Case 2003-019, Federal Procurement Data System	9000-AJ76
3845	FAR Case 2003-020, New Mexico Tax—U.S. Missile Defense Agency	9000-AJ89

**DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

Proposed Rule Stage

3803. • FAR CASE 2004-005, GAINS AND LOSSES

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation to revise cost principle at FAR 31.205-16, Gains and Losses, on disposition or impairment of depreciable property or other capital assets. This regulatory action was not subject to Office of Management and Budget review under Executive Order

12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/21/04	69 FR 29380
NPRM Comment Period End	07/20/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ93

3804. • FAR CASE 2004-003, PAYMENT WITHHOLDING

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 14; 48 CFR 32; 48 CFR 52

FAR

Proposed Rule Stage

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation by removing the requirement that a contracting officer withhold 5 percent of the payments due under a time-and materials or labor-hour contract, unless otherwise prescribed in the contract schedule. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866,

dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/25/04	69 FR 29838
NPRM Comment Period End	07/26/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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**DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

Final Rule Stage

3805. FAR CASE 1999-025, COST ACCOUNTING STANDARDS ADMINISTRATION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 52

Legal Deadline: None

Abstract: This rule proposed amending the Federal Acquisition Regulation (FAR) to delineate the process for determining and resolving the cost impact on contracts and subcontracts when a contractor makes a compliant change to a cost accounting practice or follows a noncompliant practice. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	04/18/00	65 FR 20854
NPRM Comment Period End	06/19/00	
NPRM	07/03/03	68 FR 40104
NPRM Comment Period End	09/02/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AI70

3806. FAR CASE 2000-608, NEW CONSOLIDATED FORM FOR SELECTION OF ARCHITECT-ENGINEER CONTRACTORS (SF-330)

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 1; 48 CFR 36; 48 CFR 53

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to replace Standard Forms 254 and 255 with proposed Standard Form 330, Architect-Engineer Qualification. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	10/19/01	66 FR 53314
NPRM Comment Period End	12/18/01	
NPRM Comment Period End (Extended)	01/08/02	66 FR 65792
Final Rule	12/11/03	68 FR 69227
Final Rule Effective	01/12/04	
Final Rule Effective	01/07/04	69 FR 1050
Final Rule Effective	06/08/04	69 FR 1051
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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3807. FAR CASE 2001-021, TRAINING AND EDUCATION COST PRINCIPLE

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to revise the "Training and Education Costs" cost principle. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/15/02	67 FR 34810
Correction	06/11/02	67 FR 40136
NPRM Comment Period End	07/15/02	
NPRM	01/29/04	69 FR 4436
NPRM Comment Period End	03/29/04	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

FAR

Final Rule Stage

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RIN: 9000-AJ38

3808. FAR CASE 2000-305, COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 2; 48 CFR 3; 48 CFR 12; 48 CFR 22; 48 CFR 23; 48 CFR 25; 48 CFR 27; 48 CFR 44; 48 CFR 47; 48 CFR 52; ...

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 4203 of the Federal Acquisition Reform Act (Pub. L. 104-106) (the Act) with respect to Commercially Available Off-the-Shelf Item Acquisitions. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
ANPRM	01/30/03	68 FR 4874
ANPRM Comment Period End	03/31/03	
NPRM	01/15/04	69 FR 2448
NPRM Comment Period End	03/15/04	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ55

3809. FAR CASE 1999-402, FAR PART 27 REWRITE IN PLAIN LANGUAGE

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 2; 48 CFR 12; 48 CFR 19; 48 CFR 27; 48 CFR 52; ...

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify, streamline, and update guidance and clauses on patents, data, and copyrights to provide a more logical presentation of this complex material. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/28/03	68 FR 31790
NPRM Comment Period End	07/28/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ64

3810. FAR CASE 2002-006, APPLICATION OF THE COST PRINCIPLES AND PROCEDURES AND ACCOUNTING FOR UNALLOWABLE COSTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) sections relating to accounting for unallowable costs and application of cost principles and procedures. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/28/03	68 FR 28108
NPRM Comment Period End	07/21/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ65

3811. FAR CASE 2001-031, DEFERRED COMPENSATION AND POST-RETIREMENT BENEFITS OTHER THAN PENSIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 31; 48 CFR 52

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) by revising the paragraphs of the "compensation for personal services" cost principle relating to deferred compensation and post-retirement benefits other than pensions. This is not a significant regulatory action and, therefore, was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	06/03/03	68 FR 33326
NPRM Comment Period End	08/04/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA

FAR

Final Rule Stage

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3812. FAR CASE 2002-008, GAIN AND LOSSES, MAINTENANCE AND REPAIR COSTS AND MATERIAL COSTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 15; 48 CFR 31

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) by deleting the cost principle regarding maintenance and repair costs, revising the cost principles regarding gains and losses on disposition or impairment of depreciable property or other capital assets, and by revising the language concerning material costs. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/07/03	68 FR 40466
NPRM Comment Period End	09/05/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ69

3813. FAR CASE 2003-007, BUY AMERICAN ACT—NONAVAILABLE ARTICLES

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to add certain food and textile items to the list of articles not available from domestic sources in sufficient and reasonably available commercial quantities of a satisfactory quality. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/16/03	68 FR 54296
NPRM Comment Period End	11/17/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ72

3814. FAR CASE 2002-017, ELIMINATION OF STANDARD FORM 1417, PRE-SOLICITATION NOTICE (CONSTRUCTION CONTRACT)

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 1; 48 CFR 36; 48 CFR 53

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to eliminate the use of the Standard Form (SF) 1417. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/16/03	68 FR 54294
NPRM Comment Period End	11/17/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ73

3815. FAR CASE 2002-021, SUBCONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIAL COMPONENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 44; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to require that the clause at 52.244-6 Subcontracts for Commercial Components be inserted in solicitations and contracts other than those for commercial items. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	10/27/03	68 FR 61302
NPRM Comment Period End	12/26/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ75

FAR

Final Rule Stage

3816. • FAR CASE 2002-004, LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 22; 48 CFR 52; 48 CFR 53**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the revised definitions of "Construction" and "site of the work" in the Department of Labor (DOL) regulations. In addition, the Councils are proposing to clarify several definitions relating to labor standards for contracts involving construction and make requirements for flow down of labor clauses more precise. This rule was not subject to review under Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/23/03	68 FR 74404
NPRM Comment Period End	02/23/04	
Final Action	07/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 9000-AJ79

3817. • FAR CASE 2002-024, ELECTRONIC REPRESENTATIONS AND CERTIFICATIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 12; 48 CFR 14; 48 CFR 15; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to require offerors to submit representations and certifications electronically via the

Business Partner Network (BPN), unless certain exceptions apply. The BPN is a grouping of systems that follow vendor data. Online Representations and Certifications Application (ORCA) is one application on the BPN to replace the paper-based Representations and Certifications (Reps and Certs) process. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	01/27/04	69 FR 4012
NPRM Comment Period End	03/29/04	
Correction	02/05/04	69 FR 5480
Final Action	07/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Additional Information: The Paperwork Reduction Act (Pub. L. 104-13) applies because the proposed rule contains information collection requirements.

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3818. • FAR CASE 2003-013, PROCUREMENT LIST**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 8**Legal Deadline:** None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council are proposing to amend the Federal Acquisition Regulation to clarify the point that the Javits-Wagner-O'Day (JWOD) Program becomes a mandatory source of supplies and services and to update the address for the Committee for Purchase From People Who Are Blind or Severely Disabled. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866,

dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/11/03	68 FR 69262
NPRM Comment Period End	01/12/04	
Final Action	07/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 9000-AJ82

3819. • FAR CASE 2004-002, SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS**Priority:** Economically Significant**Legal Authority:** 40 USC 121(c); 19 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 5; 48 CFR 6; 48 CFR 13; 48 CFR 14; 48 CFR 15; 48 CFR 19; 48 CFR 33; 48 CFR 36; 48 CFR 52

Legal Deadline: Other, Statutory, December 16, 2003, Interim rulemaking with public comments.

Abstract: This rule amends the Federal Acquisition Regulation to implement section 308 of the Veterans Benefits Act of 2003, Procurement Program for Service-Disabled Veteran-Owned Small Business Concerns Owned and Controlled by Service-Disabled Veterans (Pub. L. 108-183). This regulatory action is subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/04	69 FR 25274
Interim Final Rule Effective	05/05/04	
Interim Final Rule Comment Period End	07/06/04	

Regulatory Flexibility Analysis**Required:** Yes

FAR

Final Rule Stage

Small Entities Affected: Businesses
Government Levels Affected: Federal

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**DEPARTMENT OF DEFENSE/GENERAL SERVICES
 ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
 ADMINISTRATION (FAR)**

Long-Term Actions

3820. FAR CASE 1989-093, IMPLEMENTATION OF THE ANTI-LOBBYING STATUTE
Priority: Substantive, Nonsignificant
Legal Authority: PL 101-121, sec 319
CFR Citation: 48 CFR 3; 48 CFR 52

Legal Deadline: None
Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 319 of Public Law 101-121, which added a new section 1352 to title 31 U.S.C. entitled "Limitation on Use of Appropriated Funds To Influence Certain Federal Contracting and Financial Transactions." Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, or cooperative agreement, in excess of \$100,000, or a loan or Federal commitment to insure or guarantee a loan, in excess of \$150,000, must disclose lobbying with other than appropriated funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/30/90	55 FR 3190
Interim Final Rule Comment Period End	04/02/90	

Next Action Undetermined

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

URL For More Information: www.regulations.gov

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RIN: 9000-AD76

3821. FAR CASE 1998-020, HAZARDOUS MATERIAL SAFETY DATA

Priority: Other Significant
Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)
CFR Citation: 48 CFR 23; 48 CFR 52

Legal Deadline: None
Abstract: This rule amends the Federal Acquisition Regulation (FAR) to revise the policies and procedures for contractor submission of Material Safety Data Sheets (MSDSs). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	01/04/02	67 FR 632
NPRM Comment Period End	03/05/02	
NPRM	03/03/04	69 FR 10118
NPRM Comment Period End	05/03/04	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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Related RIN: Previously reported as 9000-AI87
RIN: 9000-AJ21

3822. FAR CASE 2002-011, PROCUREMENT OF PRINTING AND DUPLICATING THROUGH THE GOVERNMENT PRINTING OFFICE

Priority: Economically Significant
Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)
CFR Citation: 48 CFR 6; 48 CFR 8; 48 CFR 52
Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the policy set forth by the Office of Management and Budget (OMB Memorandum No. M-02-07, Procurement of Printing and Duplicating Through the Government Printing Office (GPO) (May 3, 2002)). In order to induce competition, save taxpayer money, and promote small business opportunities, the memorandum eliminates restrictions that mandated use of GPO as the single source and frees agencies to select printing from a wide array of sources that can demonstrate their ability to meet the Government's needs most effectively. This regulatory action is a significant regulatory action and was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	11/13/02	67 FR 68914
NPRM Comment Period End	12/13/02	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

FAR

Long-Term Actions

Small Entities Affected: No

Government Levels Affected: Federal

URL For Public Comments:

www.acqnet.gov/far

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RIN: 9000-AJ51

3823. FAR CASE 1999-603, FEDERAL SUPPLY SCHEDULE SERVICES AND BLANKET PURCHASE AGREEMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(C)

CFR Citation: 48 CFR 8; 48 CFR 38

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to incorporate policies for services and to strengthen the procedures for establishing Blanket Purchase Agreements under the Federal Supply Schedules. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	04/18/03	68 FR 19294
Correction	04/29/03	68 FR 22772
NPRM Comment	06/17/03	68 FR 19294
Period End		
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For Public Comments:

www.acqnet.gov/far

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RIN: 9000-AJ63

3824. FAR CASE 2003-008, SHARE-IN-SAVINGS CONTRACTING

Priority: Economically Significant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c); PL 107-347, sec 210

CFR Citation: 48 CFR 16; 48 CFR 39

Legal Deadline: NPRM, Statutory, September 16, 2003.

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 210 of the E-Government Act of 2002, Public Law 107-347. Section 210 authorizes Governmentwide use of share-in-saving (SIS) contracts for information technology (IT). This regulatory action is subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/03	68 FR 56613
Correction	10/15/03	68 FR 59447
ANPRM Comment	10/31/03	68 FR 56613
Period End		
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ74

3825. • FAR CASE 2001-018, APPLICABILITY OF THE COST PRINCIPLES AND PENALTIES FOR UNALLOWABLE COSTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 15; 48 CFR 31; 48 CFR 42

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to remove the requirement to apply cost principles and procedures when pricing a contract if cost or pricing data are

not obtained and to increase the contract dollar threshold for assessing a penalty if the contractor includes expressly unallowable costs in its claim for reimbursement. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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3826. • FAR CASE 2002-023, EXCLUDED PARTIES SYSTEM ENHANCEMENT

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 2; 48 CFR 9; 48 CFR 22; 48 CFR 28; 48 CFR 44; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to curtail the publication and obviate the need to publish the hardcopy publication of the List of Parties Excluded from Federal Procurement and Nonprocurement Programs (List of Parties) produced by the Government Printing Office (GPO) and publish an electronic list of parties excluded from doing business with the Federal Government online identified as the Excluded Parties List System (System). The new electronic list will enable agencies to input their data directly to the Excluded Parties List System; improve the reliability of the System content by allowing content owners to directly input entries; provide access to historical data that was previously provided through Freedom of Information Act (FOIA) procedures; enhance the ability to verify entries by

FAR

Long-Term Actions

permitting search by exact name and social security number, and shorten the lead time between exclusionary action taken by agencies and updating the list. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ78

3827. • FAR CASE 2003-002, REIMBURSEMENT OF RELOCATION COSTS ON A LUMP-SUM BASIS

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to expand the use of reimbursement on a lump-sum basis to certain types of employee relocation costs. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/11/03	68 FR 69264
NPRM Comment	02/09/04	

Period End

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ81

3828. • FAR CASE 2002-013, DEFINITIONS CLAUSE

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify what FAR definitions apply to FAR solicitation provisions and contract clauses. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866 dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	01/21/04	69 FR 2988
NPRM Comment	03/22/04	

Period End

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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3829. • FAR CASE 2002-005, TRANSPORTATION: STANDARD INDUSTRY PRACTICES

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 42; 48 CFR 47; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement changes to the Interstate Transportation Act, which abolished tariff-filing requirements for motor carriers of freight and the Interstate

Commerce Commission (ICC). Also, the rule implements changes to the Federal Management Regulation that require use of commercial bills of lading for domestic shipments. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	01/27/04	69 FR 4004
NPRM Comment	03/29/04	

Period End

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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3830. • FAR CASE 2003-016, FREE TRADE AGREEMENTS—CHILE AND SINGAPORE AND TRADE AGREEMENTS THRESHOLDS

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 5; 48 CFR 12; 48 CFR 13; 48 CFR 14; 48 CFR 17; 48 CFR 19 ; 48 CFR 22; 48 CFR 25; 48 CFR 52; ...

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation to implement new Free Trade Agreements with Chile and Singapore, as approved by Congress Public Laws 108-77 and 108-78. These Free Trade Agreements are scheduled to go into effect January 1, 2004. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	01/01/04	69 FR 1051

FAR

Long-Term Actions

Action	Date	FR Cite
Interim Final Rule	01/07/04	69 FR 1051
Interim Final Rule	03/08/04	
Comment Period		
End		

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ87

3831. • FAR CASE 2003-022, SPECIAL EMERGENCY PROCUREMENT AUTHORITY

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the special emergency procurement authorities of section 1443 of the Services Acquisition Reform Act of 2003 (Title XIV of Pub. L. 108-136). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/23/04	69 FR 8312
Interim Final Rule	02/23/04	
Effective		
Interim Final Rule	04/23/04	
Comment Period		
End		

Next Action Undetermined

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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3832. • FAR CASE 2003-010, MENTOR-PROTEGE PROGRAM—DELEGATION OF APPROVAL AUTHORITY FOR MENTOR-PROTEGE AGREEMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to change the approval authority of Mentor Protege Agreements for the DoD Military Department or Defense Agencies and to make minor changes for clarification. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	04/06/04	69 FR 18244
NPRM Comment	06/07/04	
Period End		
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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3833. • FAR CASE 2003-023, PURCHASES FROM FEDERAL PRISON INDUSTRIES—REQUIREMENT FOR MARKET RESEARCH

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 8; 48 CFR 19; 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to

implement section 637 of Division F of the Consolidated Appropriations Act, 2004. Section 637 provides that no fiscal year 2004 funds shall be expended for purchase of a product or service offered by Federal Prison Industries, Inc., unless the agency making the purchase determines that the offered product or service provides the best value to the buying agency. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/26/04	69 FR 16148
Interim Final Rule	03/26/04	
Effective		
Interim Final Rule	05/25/04	
Comment Period		
End		

Next Action Undetermined

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 9000-AJ91

3834. • FAR CASE 2003-021, NONAVAILABLE ARTICLES—POLICY

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify the intent of the list of items determined to be nonavailable for purposes of the Buy American Act, and emphasize the need to conduct market research, appropriate to the circumstances, for potential domestic sources. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

FAR

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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**DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

Completed Actions

**3835. FAR CASE 1995-013,
GOVERNMENT PROPERTY DISPOSAL**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 8; 48 CFR 45; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	04/05/04	69 FR 17741
Final Action Effective	04/05/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 9000-AH60

**3836. FAR CASE 2002-010,
DEBARMENT AND SUSPENSION—
ORDER PLACEMENT AND OPTION
EXERCISE**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 9

Completed:

Reason	Date	FR Cite
Final Action	12/11/03	68 FR 69250
Final Action Effective	01/12/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ48

**3837. FAR CASE 2001-026,
DEPRECIATION COST PRINCIPLE**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 2; 48 CFR 31

Completed:

Reason	Date	FR Cite
Final Action	12/11/03	68 FR 69246

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ56

**3838. FAR CASE 2001-037,
INSURANCE AND PENSION COSTS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 31; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	12/11/03	68 FR 69251
Final Action Effective	01/12/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ57

**3839. FAR CASE 2002-014,
DEBRIEFING—COMPETITIVE
ACQUISITION**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	12/11/03	68 FR 69257
Final Action Effective	01/12/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ59

**3840. FAR CASE 2001-034, GENERAL
PROVISIONS OF THE COST
PRINCIPLES**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 2; 48 CFR 31

Completed:

Reason	Date	FR Cite
Final Action	04/05/04	69 FR 17764
Final Action Effective	05/05/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ60

**3841. FAR CASE 2003-001,
INCREASED FEDERAL PRISON
INDUSTRIES, INC., WAIVER
THRESHOLDS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 8

FAR

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	12/11/03	68 FR 69250
Final Action Effective	12/11/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ62

3842. FAR CASE 2002-027, UNSOLICITED PROPOSALS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 15

Completed:

Reason	Date	FR Cite
Final Action	04/05/04	69 FR 17768
Final Action Effective	05/05/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ66

3843. FAR CASE 2002-025, UNIQUE CONTRACT AND ORDER IDENTIFIER NUMBERS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 4

Completed:

Reason	Date	FR Cite
Interim Final Rule	10/01/03	68 FR 56679
Interim Final Rule Effective	10/01/03	
Interim Final Rule Comment Period End	10/31/03	
Final Action	04/05/04	69 FR 17768
Final Action Effective	04/05/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ70

3844. FAR CASE 2003-019, FEDERAL PROCUREMENT DATA SYSTEM

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 4; 48 CFR 53

Completed:

Reason	Date	FR Cite
Final Action	12/11/03	68 FR 69248
Final Action Effective	12/11/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ76

3845. • FAR CASE 2003-020, NEW MEXICO TAX—U.S. MISSILE DEFENSE AGENCY

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 29

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation to incorporate the Missile Defense Agency (MDA) as a participating agency within the terms and conditions stipulated in the FAR. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	04/05/04	69 FR 17769
Final Action Effective	04/05/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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