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**Monday,
April 24, 2006**

Part XLIV

**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 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. Laurieann Duarte, Regulatory and Federal Assistance 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.acqnet.gov/far>.

Dated: February 17, 2006.

Gerald Zaffos,

Director, Contract Policy Division.

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

Sequence Number	Title	Regulation Identifier Number
3613	FAR Case 2005-029, Termination or Cancellation of Purchase Orders	9000-AK46

DOD/GSA/NASA (FAR)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3614	FAR Case 2004-007, Federal Technical Data Solution	9000-AK08
3615	FAR Case 2004-030, Definition of Information Technology	9000-AK21
3616	FAR Case 2005-009, Confirmation of HUBZone Certification	9000-AK22
3617	FAR Case 2004-031, Fast Payment Procedures	9000-AK24
3618	FAR Case 2004-021, OMB Circular A-76	9000-AK25
3619	FAR Case 2005-002, Expiration of the Price Evaluation Adjustment	9000-AK28
3620	FAR Case 2005-012, Combatting Trafficking in Persons	9000-AK31
3621	FAR Case 2005-045, Removal of Sanctions Against Certain European Union Member State	9000-AK43
3622	FAR Case 2006-01, Free Trade Agreements—Morocco	9000-AK45

DOD/GSA/NASA (FAR)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3623	FAR Case 1998-020, Hazardous Material Safety Data	9000-AJ21
3624	FAR Case 2000-305, Commercially Available Off-the-Shelf Items	9000-AJ55
3625	FAR Case 1999-402, FAR Part 27 Rewrite in Plain Language	9000-AJ64
3626	FAR Case 2003-027, Additional Commercial Contract Types	9000-AK07
3627	FAR Case 2004-019, Earned Value Management System (EVMS)	9000-AK16
3628	FAR Case 2004-035, Submission of Cost or Pricing Data on Noncommercial Modifications of Commercial Items ..	9000-AK17
3629	FAR Case 2004-017, Small Business Credit for Alaskan Native Corporations and Indian Tribes	9000-AK18
3630	FAR Case 2004-014, Buy-Back of Assets	9000-AK19

FAR

DOD/GSA/NASA (FAR)—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3631	FAR Case 2004-012, Past Performance Evaluation of Orders	9000-AK20
3632	FAR Case 2004-033, Inflation Adjustment of Acquisition-Related Thresholds	9000-AK26
3633	FAR Case 2004-018, Information Technology Security	9000-AK29
3634	FAR Case 2004-025, Government Property	9000-AK30
3635	FAR Case 2004-015, Payment Under Time-and-Materials and Labor-Hour Contracts	9000-AK32
3636	FAR Case 2005-007, Central Contractor Registration—Taxpayer Identification Number (TIN) Validation	9000-AK33
3637	FAR Case 2005-022, Exemption From Buy American Act for Commercial Information Technology	9000-AK34
3638	FAR Case 2005-015, Common Identification Standard for Contractors	9000-AK35
3639	FAR Case 2005-030, Trade Agreements—Thresholds	9000-AK40
3640	FAR Case 2005-011, Contractor Personnel in a Theater of Operations or at a Diplomatic or Consular Mission	9000-AK42

DOD/GSA/NASA (FAR)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3641	FAR Case 2003-008, Share-in-Savings Contracting	9000-AJ74
3642	FAR Case 2002-005, Transportation: Standard Industry Practices	9000-AJ84
3643	FAR Case 2003-023, Purchases From Federal Prison Industries—Requirement for Market Research	9000-AJ91
3644	FAR Case 2003-018, Performance-Based Service Acquisition	9000-AK00
3645	FAR Case 2004-027, Free Trade Agreements—Australia and Morocco	9000-AK09
3646	FAR Case 2003-024, Elimination of Certain Subcontract Notification Requirements	9000-AK10
3647	FAR Case 2002-004, Labor Standards for Contracts Involving Construction	9000-AK13
3648	FAR Case 2005-013, Deletion of the Very Small Business Pilot Program	9000-AK36
3649	FAR Case 2005-026, Removal of Sanctions Against Libya	9000-AK37
3650	FAR Case 2005-006, Annual Representations and Certifications—NAICS Code/Size	9000-AK38
3651	FAR Case 2003-024, Elimination of Certain Subcontract Notification Requirements	9000-AK39

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

Proposed Rule Stage

**3613. • FAR CASE 2005-029,
TERMINATION OR CANCELLATION
OF PURCHASE ORDERS**

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 13

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to correct the inadvertent omission of appropriate references in the FAR pertaining to

termination for cause of those purchase orders that have been accepted in writing. 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	03/22/06	71 FR 14445
NPRM Comment Period End	05/22/06	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK46

DEPARTMENT OF DEFENSE/GENERAL SERVICES

Final Rule Stage

ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

3614. FAR CASE 2004-007, FEDERAL TECHNICAL DATA SOLUTION**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 5; 48 CFR 7**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide for the access and distribution of solicitation requirements or other documents (e.g., technical specifications, maps, building designs, schedules, etc.) when controls are necessary according to agency procedures through the Federal Technical Data Solution (FedTeds) website in lieu of the Governmentwide Point of Entry (GPE). 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	11/01/04	69 FR 63436
NPRM Comment Period End	01/03/05	
Final Action	04/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK08**3615. FAR CASE 2004-030, DEFINITION OF INFORMATION TECHNOLOGY****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to revise the definition of "information

technology" to reflect the changes to the definition resulting from the enactment of Public Law 108-199, Consolidated Appropriations Act, 2004. 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
Interim Final Rule	07/27/05	70 FR 43577
Interim Final Rule Effective	07/27/05	
Interim Final Rule Comment Period End	09/26/05	
Final Action	04/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK21**3616. FAR CASE 2005-009, CONFIRMATION OF HUBZONE CERTIFICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 19; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify that prime contractors must confirm that a small business concern representing itself as a Historically Underutilized Business Zone (HUBZone) small business concern is certified, consistent with the requirements of 15 U.S.C. 632 et seq., as amended. 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	07/27/05	70 FR 43582

Action	Date	FR Cite
Interim Final Rule Comment Period End	09/26/05	
Final Action	04/00/06	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK22**3617. FAR CASE 2004-031, FAST PAYMENT PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) by revising fast payment procedures. 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
NPRM	07/13/05	70 FR 40279
NPRM Comment Period End	09/12/05	
Final Action	04/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK24

FAR

Final Rule Stage

3618. FAR CASE 2004-021, OMB CIRCULAR A-76**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 5; 48 CFR 7; 48 CFR 14; 48 CFR 37; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to provide language that is consistent with OMB Circular A-76 (Revised), Performance of Commercial Activities, dated May 29, 2003. 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	07/26/05	70 FR 43107
NPRM Comment Period End	09/26/05	
Final Action	04/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK25**3619. FAR CASE 2005-002, EXPIRATION OF THE PRICE EVALUATION ADJUSTMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 19; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to cancel for civilian agencies (except National Aeronautics and Space Administration (NASA) and Coast Guard) the Small Disadvantaged Business (SDB) price evaluation adjustment, which was originally authorized under the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355, sec. 7102). Civilian agencies (except NASA and Coast

Guard) are not authorized to apply the price evaluation adjustment to their acquisitions. 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	09/30/05	70 FR 57462
Interim Final Rule Comment Period End	11/29/05	
Final Action	04/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK28**3620. FAR CASE 2005-012, COMBATting TRAFFICKING IN PERSONS****Priority:** Other Significant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 12; 48 CFR 22; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 3(b) of the Trafficking Victims Protection Reauthorization Act of 2003. This regulatory action 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
Interim Final Rule	04/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK31**3621. FAR CASE 2005-045, REMOVAL OF SANCTIONS AGAINST CERTAIN EUROPEAN UNION MEMBER STATE****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 25; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to remove the sanctions against certain European Union (EU) countries. 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
Interim Final Rule	04/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**URL For Public Comments:**

www.regulations.gov

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RIN: 9000-AK43**3622. FAR CASE 2006-01, FREE TRADE AGREEMENTS—MOROCCO****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473**CFR Citation:** 48 CFR 25 ; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement the new Free Trade Agreement with Morocco as approved by Congress (Pub. L. 108-302). This Free Trade Agreement went into effect January 1, 2006. 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.

FAR

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For Public Comments:
www.regulations.gov

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RIN: 9000-AK45

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

Long-Term Actions

**3623. 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 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

**3624. 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	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ55

**3625. 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	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ64

**3626. FAR CASE 2003-027,
ADDITIONAL COMMERCIAL
CONTRACT TYPES**

Priority: Substantive, Nonsignificant

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

FAR

Long-Term Actions

CFR Citation: 48 CFR 2; 48 CFR 10; 48 CFR 12; 48 CFR 16; 48 CFR 52; ...

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 1432 of the National Defense Authorization Act for Fiscal Year 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
ANPRM	09/20/04	69 FR 56316
ANPRM Comment Period End	11/19/04	
NPRM	09/26/05	70 FR 56318
NPRM Comment Period End	11/25/05	
NPRM	11/29/05	70 FR 71448
NPRM Comment Period End	12/09/05	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.acqnet.gov/far/proposedrules/proposed.htm

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RIN: 9000-AK07

3627. FAR CASE 2004-019, EARNED VALUE MANAGEMENT SYSTEM (EVMS)

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 2; 48 CFR 7; 48 CFR 34; 48 CFR 42; 48 CFR 52; ...

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement earned value management system (EVMS) policy. FAR coverage is essential to help standardize the use of EVMS across the Government. The rule specifically impacts contracting

officers, program managers, and contractors with earned value management systems. 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
NPRM	04/08/05	70 FR 17946
NPRM Comment Period End	06/07/05	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK16

3628. FAR CASE 2004-035, SUBMISSION OF COST OR PRICING DATA ON NONCOMMERCIAL MODIFICATIONS OF COMMERCIAL ITEMS

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 818 of Public Law 108-375, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. This regulatory action was not subject to 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	06/08/05	70 FR 33659
Interim Final Rule Effective	06/08/05	
Interim Final Rule Comment Period End	08/08/05	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK17

3629. FAR CASE 2004-017, SMALL BUSINESS CREDIT FOR ALASKAN NATIVE CORPORATIONS AND INDIAN TRIBES

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 19; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 702 of Public Law 107-117, as amended by section 3003 of Public Law 107-206 (43 U.S.C. 1626). The law permits subcontracts awarded to certain Alaskan Native Corporations (ANCs) to be counted towards a contractor's goals for subcontracting with small business (SB) and small disadvantaged business (SDB) concerns. The law also permits Indian tribes to be counted towards a contractor's goal for subcontracting with SB. This regulatory action was not subject to Office of Management 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	06/03/05	70 FR 32553
NPRM Comment Period End	08/02/05	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK18

FAR

Long-Term Actions

3630. FAR CASE 2004-014, BUY-BACK OF ASSETS**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 revise the contract cost principle regarding depreciation. The rule adds language that addresses the allowability of depreciation costs of re-acquired assets involved in a sales and leaseback arrangement. This regulatory action was not subject to 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	06/13/05	70 FR 34080
NPRM Comment Period End	08/12/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK19**3631. FAR CASE 2004-012, PAST PERFORMANCE EVALUATION OF ORDERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 42**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to require past performance evaluation of certain orders and to ensure that subcontracting management is addressed during evaluation of a contractor's past performance. 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	06/21/05	70 FR 35601
NPRM Comment Period End	08/22/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK20**3632. FAR CASE 2004-033, INFLATION ADJUSTMENT OF ACQUISITION-RELATED THRESHOLDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 1 to 2; 48 CFR 4 to 9; 48 CFR 12 to 13; 48 CFR 15 to 17; 48 CFR 19; 48 CFR 22; 48 CFR 25; 48 CFR 28; 48 CFR 30; 48 CFR 32; 48 CFR 36; 48 CFR 42; 48 CFR 48; 48 CFR 49 to 50; 48 CFR 52 to 53**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to adjust acquisition-related thresholds for inflation. Section 807 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375) requires that the FAR Council periodically adjust all statutory acquisition-related dollar thresholds in the FAR for inflation, except the statute does not permit escalation of acquisition-related dollar thresholds established by the Davis-Bacon Act, the Service Contract Act, or trade agreements. This rule also proposes to amend other acquisition-related thresholds that are based on policy rather than statute. 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	12/12/05	70 FR 73415

Action	Date	FR Cite
NPRM Comment Period End	02/10/06	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK26**3633. FAR CASE 2004-018, INFORMATION TECHNOLOGY SECURITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 1; 48 CFR 2; 48 CFR 7; 48 CFR 11; 48 CFR 39; ...**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the Information Technology (IT) Security provisions of the Federal Information Security Management Act of 2002 (FISMA) (title III of Pub. L. 107-347) and the E-Government Act of 2002 (E-Gov Act). 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	09/30/05	70 FR 57450
Correction	11/14/05	70 FR 69100
Interim Final Rule Comment Period End	11/29/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK29

FAR

Long-Term Actions

3634. FAR CASE 2004-025, GOVERNMENT PROPERTY**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 1 ; 48 CFR 2; 48 CFR 17 ; 48 CFR 31 ; 48 CFR 32; 48 CFR 35; 48 CFR 42; 48 CFR 45; 48 CFR 49 ; 48 CFR 51 ; 48 CFR 52 ; 48 CFR 53**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to simplify procedures, clarify language, and eliminate obsolete requirements related to the management and disposition of Government property in the possession of contractors. Various FAR parts are amended to implement a policy that fosters efficiency, flexibility, innovation, and creativity, while continuing to protect the Government's interest in the public's property. The proposed rule specifically impacts contracting officers, property administrators, and contractors responsible for the management of Government property. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/19/05	70 FR 54878
NPRM Comment Period End	11/18/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405Phone: 202 501-4225
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AK30**3635. • FAR CASE 2004-015, PAYMENT UNDER TIME-AND-MATERIALS AND LABOR-HOUR CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 16; 48 CFR 32; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) 16.307, 16.601, 32.111, and 52.232-7 regarding payments under Time-and-Materials (T&M) and Labor-Hour (LH) Contracts. This regulatory action was not subject to Office of Management 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	09/26/05	70 FR 56314
NPRM Comment Period End	11/25/05	
NPRM	11/29/05	70 FR 71448
NPRM Comment Period End	12/09/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.regulations.gov

URL For Public Comments:

www.acqnet.gov/far/proposedrules/proposed.htm

Agency Contact: Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405Phone: 202 501-4225
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AK32**3636. • FAR CASE 2005-007, CENTRAL CONTRACTOR REGISTRATION—TAXPAYER IDENTIFICATION NUMBER (TIN) VALIDATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473**CFR Citation:** 48 CFR 2; 48 CFR 4; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to include the process of validating a Central Contractor Registration (CCR) registrant's taxpayer identification number (TIN) with the Internal Revenue Service (IRS) to improve the

quality of data in the Federal procurement system and CCR. This regulatory action was not subject to 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	10/19/05	70 FR 60782
NPRM Comment Period End	12/19/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.regulations.gov

URL For Public Comments:

www.acqnet.gov/far/proposedrules/proposed.htm

Agency Contact: Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405Phone: 202 501-4225
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AK33**3637. • FAR CASE 2005-022, EXEMPTION FROM BUY AMERICAN ACT FOR COMMERCIAL INFORMATION TECHNOLOGY****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: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule to implement section 517 of Division H, title V of the Consolidated Appropriations Act, 2005 (Pub. L. 108-447). Section 517 authorizes exemption from the Buy American Act for acquisitions of information technology that are commercial items.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/03/06	71 FR 223
Interim Final Rule Comment Period End	03/06/06	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

FAR

Long-Term Actions

Small Entities Affected: Businesses
Government Levels Affected: Federal
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RIN: 9000-AK34

3638. • FAR CASE 2005-015, COMMON IDENTIFICATION STANDARD FOR CONTRACTORS

Priority: Substantive, Nonsignificant
Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)
CFR Citation: 48 CFR 2; 48 CFR 4; 48 CFR 7; 48 CFR 52
Legal Deadline: None
Abstract: This rule amends the Federal Acquisition Regulation (FAR) to address the contractor personal identification requirements in Homeland Security Presidential Directive (HSPD) 12, "Policy for a Common Identification Standard for Federal Employees and Contractors," and Federal Information Processing Standards (FIPS) Number 201, "Personal Identity Verification (PIV) of Federal Employees and Contractors."

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/03/06	71 FR 208
Interim Final Rule Comment Period End	03/06/06	
Interim Final Rule Effective	01/03/06	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK35

3639. • FAR CASE 2005-030, TRADE AGREEMENTS—THRESHOLDS

Priority: Substantive, Nonsignificant
Legal Authority: 40 USC 121(c) ; 10 USC ch 137; 42 USC 2473(c)
CFR Citation: 48 CFR 22; 48 CFR 25; 48 CFR 52
Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the increased thresholds for the World Trade Organization Government Procurement Agreement and Free Trade Agreements. 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
Interim Final Rule	01/05/06	71 FR 864
Interim Final Rule Comment Period End	03/06/06	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK40

3640. • FAR CASE 2005-011, CONTRACTOR PERSONNEL IN A THEATER OF OPERATIONS OR AT A DIPLOMATIC OR CONSULAR MISSION

Priority: Other Significant

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

CFR Citation: 48 CFR 2; 48 CFR 7; 48 CFR 12; 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to address the issues of contractor personnel that are providing support to the mission of the United States Government in the theater of operations or at a diplomatic or consular mission outside the United States, but are not covered by the DoD clause for contractor personnel authorized to accompany the U.S. Armed Forces. This regulatory action was subject to review under section 6(b) of 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-AK42

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

Completed Actions

3641. FAR CASE 2003-008, SHARE-IN-SAVINGS CONTRACTING

Priority: Other Significant

CFR Citation: 48 CFR 16; 48 CFR 39

Completed:

Reason	Date	FR Cite
Withdrawn	01/30/06	71 FR 4854

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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FAR

Completed Actions

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RIN: 9000-AJ74

**3642. FAR CASE 2002-005,
TRANSPORTATION: STANDARD
INDUSTRY PRACTICES**

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
Final Action	01/03/06	71 FR 200
Final Action Effective	02/02/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AJ84

**3643. FAR CASE 2003-023,
PURCHASES FROM FEDERAL
PRISON INDUSTRIES—REQUIREMENT
FOR MARKET RESEARCH**

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
Final Action	01/03/06	71 FR 221

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 9000-AJ91

**3644. FAR CASE 2003-018,
PERFORMANCE-BASED SERVICE
ACQUISITION**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 2; 48 CFR 7; 48
CFR 11; 48 CFR 16; 48 CFR 37; 48 CFR
39; 48 CFR 12; . . .

Completed:

Reason	Date	FR Cite
Final Action	01/03/06	71 FR 211

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Laurieann Duarte

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RIN: 9000-AK00

**3645. FAR CASE 2004-027, FREE
TRADE AGREEMENTS—AUSTRALIA
AND MOROCCO**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 5; 48 CFR 6; 48
CFR 9; 48 CFR 12; 48 CFR 14; 48 CFR
17; 48 CFR 22; 48 CFR 25; 48 CFR 52;
. . .

Completed:

Reason	Date	FR Cite
Final Action	01/03/06	71 FR 219

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 9000-AK09

**3646. FAR CASE 2003-024,
ELIMINATION OF CERTAIN
SUBCONTRACT NOTIFICATION
REQUIREMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 44

Completed:

Reason	Date	FR Cite
Final Action	01/03/06	71 FR 225

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK10

**3647. FAR CASE 2002-004, LABOR
STANDARDS FOR CONTRACTS
INVOLVING CONSTRUCTION**

Timetable:

Action	Date	FR Cite
Duplicate of 9000-AJ79	06/08/05	

RIN: 9000-AK13

**3648. • FAR CASE 2005-013,
DELETION OF THE VERY SMALL
BUSINESS PILOT PROGRAM**

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 19; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to delete the Very Small Business Pilot Program. Under the pilot program, contracting officers were required to set-aside for very small business concerns certain acquisitions with an anticipated dollar value between \$2,500 and \$50,000. The Councils removed the FAR provisions because the legislative authority for the program terminated on September 30, 2003. 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.

Timetable:

Action	Date	FR Cite
Final Action	01/03/06	71 FR 220

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 9000-AK36

**3649. • FAR CASE 2005-026,
REMOVAL OF SANCTIONS AGAINST
LIBYA**

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement Executive Order 13357, which removed sanctions against Libya. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of

FAR

Completed Actions

Executive Order 12866 "Regulatory Planning and Review," dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	01/03/06	71 FR 224

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK37

3650. • FAR CASE 2005-006, ANNUAL REPRESENTATIONS AND CERTIFICATIONS—NAICS CODE/SIZE

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to modify the provision regarding Annual Representations and Certifications to include a section whereby the contracting officer can insert the appropriate North American Industry Classification System (NAICS) code and small business size standard for the procurement. Its exclusion in the

original drafting of the subject provision was an oversight. When the FAR provision is included in a solicitation, the provision regarding Small Business Program Representations, where this information is normally placed, is not included. Without this change, there is no standard way in which the NAICS code and small business size standard can be communicated to the vendor. 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.

Timetable:

Action	Date	FR Cite
Final Action	01/03/06	71 FR 226

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 9000-AK38

3651. • FAR CASE 2003-024, ELIMINATION OF CERTAIN SUBCONTRACT NOTIFICATION REQUIREMENTS

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 modify the language regarding advance notification requirements. This is required to implement section 842 of the National Defense Authorization Act for Fiscal Year 2004, Public Law 108-136, which resulted in revisions to 10 U.S.C. 2306(e). This regulatory action was not subject to 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
Final Action	01/03/06	71 FR 225

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 9000-AK39

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